

**"CONSENSUAL DEMOCRACY"
IN POST-GENOCIDE RWANDA**

**EVALUATING THE MARCH 2001
DISTRICT ELECTIONS**

9 October 2001



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EXECUTIVE SUMMARY

Ever since the Rwandan Patriotic Front (RPF) came to power in 1994 in the wake of a genocide in which 800,000 people died, its government has mainly been assessed in relation to the way it has faced the legacy of the genocide and maintained stability. Understandably, the Rwandan regime has been preoccupied with its own security, especially as thousands of *génocidaires* reorganised in the Congo, initially supported by Mobutu Sese Seko, and then by both Laurent and Joseph Kabila. And there is no doubt that the threat posed by the ex-FAR and Interahamwe rebels in the DRC is serious, and that little has been done by the international community to counter it. However, it does not always justify the tight domestic political control still exercised by the RPF dominated government in Rwanda.

The international community, burdened by its own feelings of guilt for failing to stop the genocide in 1994 has accepted the RPF's view that security imperatives require military dominance and that genuine political liberalisation will have to wait. Combined with an assumption that the RPF represents a "new leadership" determined to invent a new political model rooted in Rwandan culture, this has produced an implicit international consensus which gives the RPF almost unlimited time to achieve its proclaimed goals.

The RPF regime has consistently asserted its intention to convert its highly militarised system of government into a civilian democracy rooted in ethnic reconciliation, purged of ethnic stereotypes and hatreds, and equipped with a new constitution.

A time frame for the transition, originally set for five years, has been extended to nine years, to July 2003. The district elections conducted on 6 March 2001 were seen by both the RPF and the international community as an important stage in that transition process. This report examines in detail the conduct of those elections and draws some conclusions about the direction in which Rwanda's political reconstruction is proceeding. Those tentative conclusions will be tested in further ICG reports on the transition process, to be published over the next several months.

The RPF and the Rwandan Government of National Unity (GNU)¹ that it controls claim to be attempting to break from the country's colonial and post-colonial political inheritance. Since November 2000, they have been decentralising government institutions and power with the declared aim of destroying the political machinery that facilitated the genocide. The administrative organisation of the country is being changed and newly created districts are becoming the focus of development efforts. Resources are to be allocated to the new districts through collective decision-making at administrative levels that are closer to citizens. The objective of this policy is said to be local empowerment and mobilisation of people to take the destiny of their communities into their

¹ Soon after the genocide and the RPF's military victory, the new government was set up with the aim of implementing the program of the October 1993 Arusha agreement, which foresaw a government of National Unity.

own hands. The selected political model is called "consensual democracy".

There was also a more important goal in holding the March elections, which was to begin to develop a new RPF "cadre" in the countryside and to build the party's political base ahead of presidential and parliamentary elections in 2003. Great care was taken, therefore, in the organisation of the elections. A RPF-controlled National Electoral Commission (NEC) supervised the entire process and delivered superbly organised polls. The national participation rate was over 90 per cent, and very few electoral malpractices were registered by local and international observers.

Yet, these elections were far from satisfactory by any democratic standards. The NEC abused its powers to veto unwanted candidates and guarantee that only supporters of government policies were selected. Voters could choose between 8,175 NEC-screened candidates to fill slightly more than 2,700 district counsellor positions. But the five senior executives of each district, and the mayor of the capital, Kigali, were chosen by electoral colleges rather than by popular vote. Eighty per cent of these electoral colleges were composed of cell and sector officials who themselves had gained their positions in rather undemocratic elections in 1999. And their choices for district positions heavily favoured the status quo: 81 per cent of those elected were incumbent heads of communes (*bourgmestres*), previously appointed by the government.

The tight political control exercised over the district elections is at least partly explained by the fact that Rwanda remains a country at war. The Rwandan civil war has been largely exported to Congo's territory since 1994 but the security threat is not only external. The Ex-FAR and Interahamwe militias occasionally recruit inside Rwanda, and launch attacks across the border. Some segments of the population still share the "Hutu power" ideology that exploded seven years ago into the campaign to exterminate the country's minority Tutsi population. One of the screens exercised by the RPF and government through the NEC was therefore to ensure that only counsellors and district executives who endorse the policy of "national unity and reconciliation" were elected.

But by constricting political freedoms under the motto of national unity and reconciliation, the RPF

risks eroding the very foundations of its own policies and dampening hopes for Rwanda's recovery. Rwandans have shown, for example by their acceptance of Community Development Committees (CDCs), that they are willing to take over management of their own communities when given the opportunity, training and resources. But the omnipotence of the security services and the political control applied to basic political freedoms in the name of national goals have become counter-productive. They have driven government opponents outside the country, and risk feeding the external threat that the government claims to fight most. In this context "consensual democracy" has become the imposition of one party's ideology.

It is time to look to look at governance issues in Rwanda from a fresh perspective and to acknowledge that the focus on external security has restricted reform of internal politics. Of course the regional security context has to be taken into account and the international community must do much more to assist in the Disarmament, Demobilisation, Reintegration and Rehabilitation (DDRR) of the Hutu rebels. It should also exercise diplomatic pressure to speed up the peace processes in the DRC and Burundi, both of which have important implications for Rwanda.

But nine years on, a change of course is necessary if the transition is to succeed. Without the acceptance of opposition voices in the internal debate and the eventual return and reintegration of the Hutu groups, political life in Rwanda will remain distorted and unhealthy. The ongoing writing of the new constitution is a good opportunity for the regime to show its willingness to increase political freedom.

International donors, whose aid is vital to resource-poor Rwanda, can make an important contribution to Rwanda's political reconstruction. They need to use diplomatic pressure on Rwanda's neighbours to improve its security but also to develop a critical dialogue with the government on the central issue of political freedom, and to support Rwandan efforts with funds and technical assistance to lay the foundations for a more stable future.

RECOMMENDATIONS

To Rwanda's international donors:

1. Pressure the signatories of the Lusaka agreement to comply with their commitment to stop supporting and disarm the ex FAR and Interahamwe and give strong financial and political support to DDDR processes.
 2. Give financial and technical support to help create an efficient election observation program capable of monitoring the 2003 national polls.
 3. Begin a critical dialogue with the government of Rwanda on the issue of political freedoms in the country, setting clear democratic standards and benchmarks for the continuation of financial support, and offer assistance and expertise in reaching these standards and benchmarks. In particular, encourage the government of Rwanda to:
 - a. Provide genuine autonomy to the new local government institutions and free their management from interference by the military and the security services.
 - b. Urgently establish a legal framework to professionalise, define a role for, control the behaviour of, and make accountable the community-based Local Defence Forces.
- c. Review and amend the electoral law to guarantee the independence of the National Electoral Commission.
 - d. Publicise in advance all election-related government activities to allow monitoring by independent observers.
 - e. Liberalise political party activities up to the district levels to facilitate reconstruction of a genuine opposition. Allow full national political activity, including public rallies, at least six months before the 2003 national election.
 - f. Create the office of an independent ombudsman with powers to offer advice and recommendations in case of conflicting interpretations of laws and procedures between the government and the citizens.
 - g. Include safeguards for political freedoms and clear limits on the role and influence of the security services in the future constitution.

Nairobi/Brussels, 9 October 2001



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EXECUTIVE SUMMARY AND RECOMMENDATIONS

I. INTRODUCTION

For any government that follows the overthrow of an authoritarian regime, the challenges of politically liberalising are immense and divisive; Imagine, then the significant additional obstacles facing a political transition following genocide. The Rwandan government, dominated by the Rwandan Patriotic Front, which came to power in the wake of a genocide that resulted in the deaths of 800,000 people, faces just such a test. Unfortunately, if not surprisingly, its early electoral efforts have not yet been equal to its own rhetorical objectives of popular empowerment and transparency, professed in its original "liberation" ideology.

Since the genocide, the government's strategy has been to develop a political system radically different from those of the first and second Republics, led by Grégoire Kayibanda (1964-1973) and Juvénal Habyarimana (1973-1994). According to the RPF ideology, these leaders preached hatred between ethnic communities and practised the politics of division. National reconciliation between the Tutsi and Hutu communities, decentralisation of government and popular participation in the affairs of the country, were identified by the government as the three guiding principles of its policies² that the district elections were to set in train³.

On 6 March 2001, Rwanda held the first local government elections in the history of the country. The Rwandan population elected 2,765 sector representatives nationally. One week later, District based Electoral Colleges selected 106 town and district mayors, and an additional 424 new town and district executives. These multiple polls followed the cell and sector polls of March 1999 and were the most visible implementation so far of the official democratic decentralisation policy, which has been promoted since 1998 as one of the building blocks of Rwanda's political reconstruction.

These elections had a further objective, however. They provided the opportunity for the ruling Rwandan Patriotic Front (RPF) to identify a new set of local leaders, whom it sought to co-opt in order to entrench its power in the rural areas, and guarantee a parliamentary and presidential majority at the planned national elections in 2003.⁴ The March 2001 vote was, therefore, an important test.

Office of the President of the Republic from May 1998 to March 1999 (detailed document)", Kigali, Government Printers, August 1999, Chapter II, pp. 42-54.

³ The decentralisation policy is not new to Rwanda though. It had been a central policy of the Habyarimana regime in the late eighties and early nineties. Yet, it never bore fruits because of the war and the unwillingness of central government to share its resources with the decentralised authorities.

⁴ ICG interview, RPF cadres Kigali 24 August 2001 and former RPF cadre, Brussels, 10 July 2001.

² Republic of Rwanda, Office of the President of the Republic, "Report on the reflection meetings held in the

However, the objective of consolidating of power, and the accommodation of conflicting political interests to maintain tight political control risk undermining the elections' democratic potential.

The main justification remains the security threat of the ex-FAR and the Interahamwe. After obtaining refuge in the Congo in 1994, the rebels regrouped and reorganised, first under the patronage of Mobutu, then of Laurent Désiré Kabila, now of his son Joseph Kabila. They attracted new recruits under the generic name of the *Armée de Libération du Rwanda* (ALIR). ALIR has been trained and armed by the Congolese government and its allies to fight Rwanda.

In addition to external threats, the government of Rwanda bears the scars of the genocide, a heavily traumatised and divided society. The killing of 800,000 people, the flight of another two million to the Congo and Tanzania (of whom close to one quarter never returned) and the repatriation of one million more from all over the world have created a country of people who feel strangers to one another, although they speak the same mother tongue, kinyarwanda. In this environment, political aspirations tend to be inspired by revenge, fear or the desire to enjoy the rewards of military success. The government also has extremely limited resources with which to carry out its policies, and is heavily dependent on donor funding.

This mixture of regional insecurity, conflicting political aspirations and limited resources largely explains why the RPF feels it must implement its policy of democratic decentralisation under maximum control. The objectives are to establish a competent and politically reliable local government leadership that will guarantee the flow of aid; efficiently pursue the government's development strategy; provide constant support for national unity and reconciliation; and last but not least ensure satisfactory political results for the RPF in 2003. The electorate's genuine wishes and choices are peripheral to this strategy.

It is now becoming increasingly evident that the focus on external security has had serious political implications on Rwandan internal politics. The regime also hoped that a strong RPF leadership and the war against a common enemy based outside the country would help reinforce national unity. But each stage of consolidation of RPF power to deal with security concerns created tensions and

reinforced dissatisfaction about power and resource sharing. Accompanied by restrictions of debate and repression of any type of opposition, the opaque decision making process in the RPF movement, led a number of opponents to believe that political debate could not take place inside the country and to seek support outside.

This report analyses the March 2001 district elections as a case study of the actual results achieved by the government regarding the political reconstruction of the country.⁵ It shows that the RPF is implementing a decentralisation policy in the name of democratisation, without giving it the chance to succeed. By restricting political freedoms to a motto of "national unity and reconciliation" and co-opting leaders that will keep the regime in place, the RPF is denying the Rwandan society ways to express its pluralism. As a result, it is failing to create the new system of governance that the country so urgently needs, and is encouraging opposition to express itself outside the country, therefore feeding what it claims to fight most -- external insecurity.

⁵ This report is based on three weeks of ICG field work, by both Rwandan and foreign researchers, focusing on the provinces of Gisenyi, Gitarama, Kibungo and Kigali. While the sample is not definitive, we have found no evidence that suggests the trends uncovered by ICG in these provinces were not reproduced in the rest of the country.. The communal elections are used as a test case to put into perspective the general political situation of the country.

II. CONFLICTING ELECTION OBJECTIVES: DECENTRALISATION AND CONSOLIDATION OF RPF POWER

A. RPF POLITICAL PHILOSOPHY: TEACHING DEMOCRACY AND NATIONAL UNITY AND IDENTIFYING THE "WISE MEN"

RPF views on Rwanda's political reconstruction are based on its diagnosis of the Habyarimana regime and of the currents that led to the 1994 genocide. It identifies an overly centralised state structure and ruthless dictatorship as the two root causes of the 1994 massacres. According to the RPF, the Rwandan population was disempowered and obeyed like automatons, blindly accepting the scapegoating of the Tutsi community and the Hutu internal opposition. "In some communes, in 1994, almost the entire population had contributed to the genocide. The majority were very docile, guided by "power" leaders or greedy individuals eager to acquire the belongings of the victims (...)" explains RPF leader Tito Ruteremara. "The population now has to learn what it has never known"⁶. The genocide, showed how deeply ethnic hatred had been cultivated by the leaders of the first and the second Republics, and it demonstrated the extent to which mentalities have to change in Rwanda.

Ethnic discrimination was the legitimising tool of the first two Republics, established after independence in 1964. Leaders built their regimes on the ideology that political majority rule equals ethnic majority rule, implying that democracy mandated the empowerment of Hutu leaders and the exclusion of Tutsis from all positions of government. The first Republic, under the leadership of Grégoire Kayibanda, claimed to implement the policies of what is called in Rwanda "the 1959 social revolution" while pursuing the systematic exclusion of Tutsis. Democracy became a smoke screen for the domination of Hutu leaders from the centre of the country. Regular massacres and pogroms of Tutsi people throughout the 1960's led to the flight of hundreds of thousands to Uganda, Tanzania, the Congo and, in smaller

numbers, to western countries. Infighting between Hutu elites from the centre and from the Northwest of the country led to the overthrow of Kayibanda in 1973 by General Juvénal Habyarimana, his chief-of-staff, originating from the Northwest. Habyarimana replaced exclusion of the Tutsis with ethnic quotas in state institutions and schools. The Second Republic ended with Habyarimana's death, three months of genocidal killings and the RPF's military victory in July 1994 over the ex-FAR and Interahamwe.

From its earliest days on, the RPF has professed a determination to establish "true democracy", defined as political majority rule based on a genuine program uniting all Rwandans.⁷ The original RPF ideology proclaims indeed that its main objective is the eradication of ethnicity from public life, which was promoted by colonisers as a "divide and rule" policy, and then reinforced by post-colonial rulers to consolidate their authoritarian regimes.

After the genocide, the Government of National Unity's (GNU) program endorsed this as the guiding principle of its policies. Consensus was held up as the best procedure to follow for its adoption and implementation.⁸ National consensus, reached after consultation and debate with all concerned parties, is defined as "the majority's good ideas"⁹. The RPF claims that this process reflects pluralism, which is defined as "the combination of many opinions"¹⁰. It is intended to recreate a sense of community and belonging among Rwandans, proving that they can transcend their regional, religious or ethnic divisions. It is, in theory, the embodiment of the "consensual democracy" that the RPF seeks to implement.

The March 2001 district elections must be seen in this context. They aimed to create the conditions for consensual democracy within local government, just as the government considers it

⁷ ICG interview, RPF Secretary general, Kigali, 15/03/01.

⁸ Cf. ICG interview, Tito Ruteremara, Kigali, 25 February 2001.

⁹ Cf. Republic of Rwanda, Office of the President of the Republic, "Report on the reflection meetings held in the Office of the President of the Republic from May 1998 to March 1999 (detailed document)", Kigali, Government Printers, August 1999, p. 43.

¹⁰ Cf. Misser (F.), « Vers un nouveau Rwanda ? Entretiens avec Paul Kagame », Bruxelles, Luc Pire/Karthala, 1995, p. 133.

⁶ ICG interview, Tito Ruteremara, Kigali, 25 January 2001.

has promoted such conditions at national level. As the former Secretary General of the Ministry for Local Government, Protais Musoni, argued at a "sensitisation" seminar in Ruhengeri: "We need unity and reconciliation. We need to feel Rwandese, all equally. But it's only possible when a community has common ideas, a common authority, the same government. After the Council of Ministers is finished, and the decision-making process is over, every Minister knows that the decisions taken are not those of a Hutu or a Tutsi. It will be the same for the decisions taken at the level of sector committees. And in the end, the ethnic issue will fade away".¹¹

Participation of the population in the decision-making process, genuine representation at local and national levels, popular control over leaders in order to strengthen their accountability are the three pillars of the government and RPF democratisation policy¹².

But the RPF has also set limits to democratisation: "Elections are one manifestation of democracy, and because we committed ourselves to teach our people what it was, we are doing it"¹³. It is done only in so far as it does not compromise national unity and reconciliation. First, elections are not regarded as democracy by themselves. According to President Kagame, democracy needs development and must include "fundamental dimensions and rights that are indispensable for the dignity of man"(i.e. among others: security -- the right to life, the absence of any social discrimination, the right to equal opportunities, the right to a fair share of national resources, the right to freedom of expression of opinion).¹⁴ Second, elections, and especially multi-party elections, are regarded as tending to promote divisions. This, according to Paul Kagame, justified the suspension

of political party activities in 1995: "at the present moment, if you tried to organise elections, to authorise the proliferation of parties like mushrooms and let them start competing, you would create problems even bigger than those you already have: you would divide divided people ... Multi-partyism in African societies, what does it mean? I use any tactic to distinguish myself from my neighbour in order to get more votes than him. In this game, it does not really matter if I lie. In the current process, if you authorise elections, at this present time, you will never build that country. You will never have a united country. We won't have democracy: people are going to rush on one another"¹⁵.

Seven years later, political parties are still barred from local elections. RPF Secretary-General Charles Murigande explained that "so far, we can't evaluate the contribution of political parties to reconciliation, even when they belong to institutions which are devoted to reconciliation. The immaturity of political parties in Africa is such, that they build their following on ethnic or religious lines; it convinced us that the population should be left alone to elect competent leaders".¹⁶

The RPF regime considered the local district elections a test to gauge whether the population had abandoned radical views and adopted the new regime's values:

For the past seven years, we have tried to teach the Rwandan population new values. Rwandans must be judged on what they are capable to do, not on what they are by accident. This country belongs to all of us and positive values are necessary to rebuild it. The issue [for the district elections] will be to see whether the population agrees to this. It really is the central issue. If the population chooses people who believe in these values, we will have succeeded in our mission, even if the candidates belong to other parties. There is no difference between these people and the RPF. But if the people elected are sectarians, it will mean that the future is still uncertain. If few people of the RPF are not selected but many with positive values, I will easily recruit them. These elections are going to show us to what extent the country has changed.

¹¹ Cf. « Les échéances électorales de Mars 2001 », Grands Lacs Hebdo, 23/01/01. Musoni served as chairman of the National Electoral Commission during the March 2001 elections. See below.

¹² Cf. Republic of Rwanda, Office of the President of the Republic, "Report on the reflection meetings held in the Office of the President of the Republic from May 1998 to March 1999 (detailed document)", Kigali, Government Printers, August 1999, p. 43.

¹³ Interview ICG, Charles Murigande, Kigali, 2 March 2001.

¹⁴ Cf. Statement by H.E. Major General Paul Kagame, Vice-President and Minister of Defence to the Development and Cooperation Committee of the European Parliament, 20 January 1998.

¹⁵ Cf. Misser (F.), « Vers un nouveau Rwanda ? Entretiens avec Paul Kagame », Bruxelles, Luc Pire/Karthala, 1995, p. 134.

¹⁶ ICG interview, Kigali, 2 March 2001.

(...) If radicals and extremists are elected, we will be able to say that we are still in danger¹⁷.

As these quotations show, the regime does not yet fully trust the population. It doubts that voters are "enlightened" enough to choose the leaders bearing "positive values", the wise men and women that it will then seek to recruit into its ranks. The decentralisation program was designed in part to identify these wise men and women and give them a chance to prove themselves, according to the RPF criteria.

B. BREAKING THE GENOCIDAL MACHINERY

The second objective of the March 2001 elections was to break the administrative machinery that had facilitated genocide and still inhibits the change in Rwanda's political culture.

In May 2000, the government published its decentralisation blueprint¹⁸, which identified three modes of implementation: 1) a shift of central government services and functions towards local government levels; 2) delegation of resources to local government; and 3) devolution of powers to local government institutions.¹⁹ Implementation over three phases will eventually result in the transfer of all provincial responsibilities to the districts,²⁰ which will become the focus of local government. Other levels of administration will simply support local and central government activities.

This decentralisation process, if genuinely implemented, could change the face of Rwanda's administration. Its objective is to bury the prestige and authority of the former Commune leaders, the *bourgmestres*, who bore much of the responsibility for implementing the genocide, and to set up a new

political culture, based on participation, collective decision-making and accountability of the district executive to the district council. Under Juvénal Habyarimana's regime, Rwanda was divided into prefectures, communes, sectors and cells. Each division had a head, appointed by the Office of the President. The commune became a strong unit of identification for the Rwandan population, and the *bourgmestres* had unchallenged authority over their fellow commune members, whom they guided and coerced in all aspects of life.

The new framework is intended to break with the colonial legacy both in form and substance. It establishes levels of collective consultation for decision-making from the bottom level of the state pyramid, while the pyramid itself is substantially revised, with changes of terminology and administrative boundaries. The government has renamed most districts, often reverting to older names of socio-cultural administrative units, used and institutionalised by the monarchy and throughout colonisation²¹.

The implementation of the administrative reform took place in December 2000 as the 154 former communes were transformed into 106 new units, consisting of 91 districts and fifteen towns.

However, the new indirect system of representation has been criticised for being both too complex and open to manipulation²². The National Electoral Commission (NEC) chairman, Protais Musingu, admits that it was not very well received by the population during its sensitisation campaign²³ and that Rwandans complained openly that they could not elect their district mayor directly. The RPF considers, however, that direct elections would defeat the purpose of its policy, which aims to break down the personalisation of authority. The government wishes to weaken any direct link between the population and its district leaders in favour of a stronger collective accountability that would increase popular participation in local government. Of course, indirect representation is by no means necessarily undemocratic. Such systems are common at local and national levels in many democratic societies.

¹⁷ Interview ICG, Charles Murigande, Kigali, 2 March 2001.

¹⁸ Cf. Republic of Rwanda, Ministry for Local Government and Social Affairs, *National Decentralization Policy*, May 2000; and Republic of Rwanda, Ministry for Local Government and Social Affairs, *Implementation Strategy for National Decentralisation Policy*, May 2000; Appendix 4: The National decentralisation policy of the Government of Rwanda (Some abstracts).

¹⁹ Cf. Republic of Rwanda, Ministry for Local Government and Social Affairs, *National Decentralization Policy*, op. cit. p. 5.

²⁰ Ibidem, p. 9.

²¹ ICG Interview, Tito Ruteremara, Kigali, 25 January 2001. For a full description of the changes and the new structures, see Appendix 2 below.

²² Human Rights Watch, "Rwanda Backgrounder", 31 January 2001.

²³ ICG interview, Kigali, 03 February 2001

In this respect, at least in theory, the Rwandan system represents an interesting experiment in building a new type of governance.

C. PREPARING FOR THE 2003 NATIONAL ELECTIONS AND BEYOND

Rwanda is now preparing for the end of a nine-year political transition. After the genocide and the RPF's military victory, the new government was set up with the aim of implementing the October 1993 Arusha agreement²⁴. The program included organisation of national elections, the writing of a new constitution, and the formation of a national army.²⁵ The original five-year transition period, – extended to nine years in 1999 – has next on its agenda the writing of a new constitution.

But before the deadline expires, the RPF must evolve from a rebel movement to a genuine political party. The March 2001 polls were seen, therefore, a crucial component of the RPF's strategy to retain power beyond the end of the transition. They offered a useful technical rehearsal for national elections and identified new local leaders who could strengthen the RPF's political links to the countryside.

²⁴ The Arusha agreement between the Government of the Republic of Rwanda and The Rwandan Patriotic Front was negotiated from July 1992 to October 1993 in order to put an end to the war started in October 1990 by the RPF. Reached under the facilitation of the Government of Tanzania, The agreement consists of five protocols and a ceasefire agreement dealing with the different bones of contention which led to the war: 1. The restoration of the rule of law; 2. Power sharing between the different Rwandan armed and non-armed political forces; 3. The repatriation of Rwanda refugees and the resettlement of internally displaced persons; 4. The integration of both armies in one army of national unity; 5. The practical steps to be taken for its implementation. The Agreement never had the opportunity to be implemented before the RPF took over Kigali. By April 1994, UN forces had been deployed in Kigali and one RPA battalion had taken its agreed position within Parliament premises, but recurrent killings of Tutsi civilians by Interahamwe militias and ultimately the beginning of the genocide, right after Juvenal Habyarimana's plane was shot down on 7 April 1994, forced the RPF to restart the war. Since October 1994 and the formation of the Government of National Unity, the Arusha agreements have been considered as part of the fundamental Laws of the country, even though many of its provisions are not respected anymore.

²⁵ Cf. "Arusha Peace Accords between the Government of the Republic of Rwanda and the Rwandan Patriotic Front », mimeo, 1993.

The origin of the democratic decentralisation policy can be traced to the RPF's February 1998 Congress at Kicukiro. The main outcome of that Congress is often seen as the rise of Paul Kagame to the RPF chairmanship, replacing the Minister for Interior, Col. Alexis Kanyarengwe. In addition, President Pasteur Bizimungu was elected vice-chairman and Charles Murigande, a professor of mathematics and former rector of the Rwanda National University in Butare, secretary-general.²⁶ This new team received a strong mandate: to take the country through the transition period and to ensure an RPF victory in the eventual national election.²⁷ Democratic decentralisation was conceived as a road map for that national electoral victory, with a number of steps that would allow the RPF to build and test its capacity to win votes.

The strategy was to be implemented in three steps: policy formulation, establishment of the necessary institutional set-up, and construction of reliable electoral machinery. The policy formulation process was filtered through the Urugwiro Saturday meetings, which were convened by President Bizimungu from the end of May 1998 until February 1999. Every Saturday, the president invited members of the cabinet, the executive bureau of the Transitional National Assembly (TNA), presidents of TNA commissions, leaders of national organisations (parties, civil society), prefects, local wise men and sometimes clerics to consult and achieve consensus on key policy issues. These meetings were aimed to test major RPF policy initiatives with the other political forces of the country.²⁸ The members of the Saturday sessions therefore agreed that, on an experimental basis, and with a view to promoting decentralisation, popular elections would be held nation-wide.²⁹

²⁶ Economist intelligence unit, Rwanda report, 2nd quarter 1998.

²⁷ ICG Interview, former RPF official, Brussels, 12 June 2001

²⁸ Looking at the conclusions of the Urugwiro sessions report, the Saturday meetings did not seem to leave much room to accommodate contrasting views though. Cf. The unfortunate experience of the MDR leadership at the end of May 1998 is recalled in Reyntjens (F.), "Evolution politique au Rwanda et au Burundi, 1998-1999", in Marysse (S.), Reyntjens (F.), sld., *Annuaire de l'Afrique des Grands Lacs 1998-1999*, Anvers-Paris, CEG-L'Harmattan, 1999, pp. 127-128.

²⁹ Republic of Rwanda, Office of the President of the Republic, "Report on the reflection meetings held in the Office of the President of the Republic from May 1998 to

The RPF began to build its electoral machine immediately after the February 1998 Congress. First, its corps of cadres was revived for "Politics and Mass Mobilisation" (PMM). Cadres form the active political arm of the RPF. They were first set-up during the war to mobilise, recruit and spread the RPF philosophy in both "occupied" and "freed" territory inside Rwanda, and among the Rwandan diaspora. From July 1994 onwards, cadres were in charge of the distribution of houses and the general political surveillance of foreign and national institutions. Cadres were posted at all levels of the administration, both in Kigali and the provinces, to control the actions of civil servants, ministers and politicians. They applied to work in UN agencies, local and foreign NGOs and key businesses to monitor attitudes towards the government and general activities. They were also in charge of information and responsible for running the RPF-related institutions (RPF secretariat, Rwanda Development Organisation, the Tristar group of companies, Rwanda News Agency, Office Rwandais d'Information, etc.).³⁰

In July 1998, the RPF secretary-general organised a meeting in Kicukiro and gave the cadres a new mission: electoral victory. RPF cells were to be created in every administrative cell throughout the country with the duty of selecting three to five candidates for the March 1999 local elections. Cadres were also involved in the set-up of Local Defence Forces (LDF)³¹, with the support of the army. Officers, who themselves had been trained for PMM, often gave the cadres logistical support.³²

In parallel, the February 1998 Kicukiro Congress put Aloysia Inyumba, the minister for Women and Social Services, in charge of building up a national RPF network of women's groups (*Inzego Z'abari n'abategarugori*), using funds for women's empowerment allocated to her ministry. By the

first quarter of 1999, Catholic youth leaders were recruited with the help of the newly created National Unity and Reconciliation Commission (NURC) to mobilise the youth constituency. Youth groups were taken to *Ingando* (solidarity camps) for ideological training sessions and urged to elect pro-RPF leaders who, like the leaders of the women's groups, were promised positions within the future district councils or even seats in parliament if they supported the RPF.³³ Similarly, cell and sector leaders were taken to NURC solidarity camps to study civic education and RPF ideology. The NURC solidarity camps became the training grounds for RPF political sensitisation, education and for the selection of electoral candidates.³⁴

What was therefore partly at stake in the March 2001 district elections was RPF political capacity to win a parliamentary and presidential majority in 2003.³⁵ The close link between administrative reform and political process is also apparent from the redrawing of administrative boundaries. The official purpose of the redrawing was to make the districts economically viable. Decentralisation to undersized administrative units, without a real tax base, would indeed be counter-productive and unsustainable. The number of communes was, therefore, reduced from 154 to 106. But the new districts were also unofficially designed to become parliamentary constituencies.³⁶ As confirmation, the national decentralisation policy states openly that the future member of parliament from a district will have the right to attend council meetings and follow the council's proceedings.

March 1999 (detailed document)", *op. cit.*, Chapter II, pp. 42-54.

³⁰ Interview ICG, former RPF member, Brussels, 9 July 2001.

³¹ LDF are a community based security service, which is supposed to mobilise and protect the population against infiltrators. It has nevertheless come under heavy criticism from Human Rights organisation for its abuses and lack of accountability. Cf. among others, Human Rights Watch, "Rwanda: the search for security and Human Rights abuses", New York, April 2000, Vol. 12, N°1(A).

³² Interview ICG, former RPF member, Brussels, 9 July 2001.

³³ ICG interview, former RPF official, Brussels, 12 June 2001 and youth district candidate, Kigali, 2 March 2001.

³⁴ ICG interview, Kigali, NURC official, 31 January 2001.

³⁵ For some insights see Shyaka Kanuma, "The secrets of the October poll", *Rwanda Newslines*, Vol. 11, N°32, August 21-27 2000.

³⁶ ICG interview, western diplomat, Kigali, 9 March 2001 and Rwanda Herald, 8 January 2001.

III. EXTERNAL AND INTERNAL CONSTRAINTS

From the time it was launched, the RPF political strategy described above has been overshadowed by the security agenda. In February 1998, the month of the Mulindi Congress, ex-FAR and Interahamwe started re-infiltrating Rwanda from the Congo, jeopardising the RPF's military achievements in the first Congo war. In that first struggle in the Congo, Rwanda, allied with Uganda, Angola, Zimbabwe, South Africa and Burundi, had brought Laurent Désiré Kabila to power in Kinshasa, and destroyed the Hutu rebellion's rear bases, significantly reducing the ex-FAR/Interahamwe threat. By January 1997, most Rwandan refugees had returned from Tanzania. Pockets of roaming fighters who had managed to escape the screening for returning refugees were finally neutralised by the end of that year.³⁷ But by the beginning of 1998, Rwanda was under threat again. Relations with Kabila deteriorated dramatically, and by August, the second Congo war broke out.

A. THE REGIONAL INSECURITY TRAP

Security has remained the first priority of the Rwandan government since 1994. The government believes that, without security for Rwandan citizens, reconciliation and reconstruction policies are meaningless. After the beginning of the second Congo war, by early 1999, Rwanda's territory was again secure enough for cell and sector elections to be organised in March of that year. Security has been restored by military campaigns, counterinsurgency tactics involving the mobilisation of Hutu political leaders, the participation of local communities in the fight against the insurgents and the recruitment and deployment of ex-FAR soldiers within the RPA units of the Northwest.³⁸

But the control of Rwanda's territory by the RPA did not mean that the security threat had disappeared. First, the ideology of hating and

killing the Tutsi propagated by surviving Hutu power leaders remains strong in the Northwest of the country and has contaminated neighbouring communities across the Congo border in the Kivus.³⁹ The new recruits who have joined ALIR since 1996 have been indoctrinated into the same ideology of Hutu power.⁴⁰ Therefore, despite the RPA's overwhelming military superiority over the ALIR, the ideology of Tutsi extermination has not been eradicated and remains a genuine security issue in the entire region. Moreover, the civil war in Burundi, where the ALIR is associated with the Burundian Hutu rebellion, is of genuine concern to Rwanda. The Rwandan government cannot afford to have a hostile ALIR base on its southern border while the war continues in the Kivus. The recently declared hostility of Uganda, after three battles against the RPA for control of the key Congo city of Kisangani, also increases the pressure on Rwanda's government. It is highly unlikely that Uganda will wage war on Rwanda, but Kampala has become a safe haven for the RPF's political opponents. Further, there are clear signs that Uganda is in close contact with the political opposition to the Rwandan regime based both inside the country and abroad.

Rwanda, therefore, remains above all a country at war and behaves as such. The government suspects that infiltration is also sometimes supported by the population.⁴¹ Accordingly, the regime relies on an oversized army and powerful security services,⁴²

³⁹ The continued presence of Rwanda in the Congo is obviously more complex than the sole handling of a security threat as argued by the RPF. For background on Rwanda's strategy in DRC, see ICG, "Scramble for the Congo. Anatomy of an Ugly War", Central Africa Report N° 12, 20 December 2000.

⁴⁰ ICG interview, Rwanda expert, Brussels, 17 July 2001.

⁴¹ There are mixed signals sent by the Rwanda population in this respect. In the case of the most recent May and June infiltrations, Rwandans in Ruhengeri and Gisenyi were instrumental in stopping the ALIR quickly and successfully. People informed the RPA of the infiltrator's presence within their home areas. On the other hand, many young fighters killed and captured by the RPA were actually new ALIR recruits coming from Ruhengeri and Gisenyi. This situation suggests that the adult generation of Rwandans is tired of the war and does not think ALIR can bring a better future for Rwanda, but a number of Hutu youngsters remain attracted by the ALIR. ICG interview, Rwandan security official, Arusha, 23 July 2001.

⁴² On social and political trends within the RPF since 1994 see Michael Dorsey, "Violence and Power-building in Post-Genocide Rwanda", in Doom (R.), Gorus (J.), eds.,

³⁷ Cf. Economist Intelligence Unit, Rwanda reports, 1st to 4th quarters 1997 and 1998.

³⁸ Cf. Prendergast (J.), Smock (D), "Post-genocidal reconstruction: Building Peace in Rwanda and Burundi", USIP special report, 15 September 1999, www.usip.org/oc/sr/sr990915/sr990915.html

which are regularly criticised by human rights organisations for their abuses.⁴³ The Directorate of Military Intelligence (DMI), the overall umbrella for all security services, organises tight surveillance for possible connections between internal opposition and external threats and systematically represses opponents. It has succeeded in infusing the idea of its omnipresence, triggering self-censorship. In this context, it is highly likely that the daily search for consensus in the name of national unity and reconciliation is not genuine and often succeeds only through fear.

B. INTERNAL POLITICAL TENSIONS

The current RPF strategy does not necessarily enjoy unanimous support among the Tutsi population. At the upper level of government, the rebuilding of a strong RPF political apparatus necessarily implies a reduction of military influence on state decision-making and resource allocation. At a lower level, Tutsi returnees, rightly or wrongly, implicitly believed that the post genocide and post victory power sharing deal would include a bargain between the various Tutsi groups in Rwanda. Anglophone returnees from Uganda, controlling the upper tier of government and more specifically the army, would remain unchallenged in Kigali, while francophone Tutsi returnees from Burundi, Tanzania and the Congo would dominate the provinces and lesser offices at the national level. The grooming of a new generation of Hutu leaders to take local government positions undermines this unwritten political agreement at the expense of the francophone Tutsis, hence causing their dissatisfaction, and of the survivors of the genocide, who want justice a pre condition of any political reform⁴⁴.

In Kigali, a genocide survivor described the district elections as "the return of the killers".⁴⁵ According to him, the RPF is preparing a new generation of Hutu political leaders through the establishment of local authorities, in order to bury the hatchet with

the Hutu masses ahead of national elections. The *gacaca* judicial system, which for the genocide survivors will free most Hutu prisoners within two years, is part of the same strategy and is seen by many as a betrayal. Moreover, some returnees do not understand why power and resources have to be shared with the Hutus. Their ideal political system would be closer to the restoration of a strict Tutsi dictatorship, similar to Burundi in the 1970's and 1980's, and for some, a monarchy. For them, either all Hutus carry collective responsibility for the genocide and have to pay for it, no matter what, or power sharing is seen as a foreign imposed concept that is unfair because it is now their time to rule and benefit from state resources.

The entire reconciliation policy is based on the gamble that a new Hutu leadership can and will rise from the ashes of the former parties and of the post-genocide repression, that new Hutu leaders will adhere to RPF ideology while being "trained" and "enlightened" in the "*ingando*", (solidarity camps), and that they will serve the RPF faithfully. It also assumes that they will understand the abuse of violence unleashed on suspected infiltrators and their accomplices since 1995, and that they will understand and support the demotion of most senior Hutu leaders since then (Faustin Twagiramungu, Seth Sendashonga, Pierre-Célestin Rwigyema, Pasteur Bizimungu, Théobald Gakaya Rwaka, etc.).⁴⁶ There are no such guarantees in politics, however and social perceptions can't be reformed through a top down process.

C. THE CHALLENGE OF LIMITED RESOURCES

The Government of National Unity is also under pressure to fulfil its own promises to the international community. The ambitious democratic decentralisation policy is based on the assumption that Rwandans are ready to participate fully in the management of their own affairs. It demands that people spend their own time and effort without remuneration, to contribute to the numerous meetings that the running of cell and sector committees necessitates. In this respect, the decentralisation policy risks suffering from the same problems that Uganda has experienced with its local government experiments: massive absenteeism and sometimes incompetence, which

Politics of identity and Economics of conflict in the Great Lakes Region, Brussels, V.U.B., 2000.

⁴³ Cf. among other reports: Human Rights Watch, "Rwanda: the search for security and Human Rights abuses", New York, April 2000, Vol. 12, N°1(A).

⁴⁴ ICG interviews, Burundi and Congo returnees, Kigali, February-March 2001.

⁴⁵ ICG interview, Kigali, 6 March 2001.

⁴⁶ Cf. the chronology in Appendix 1.

leaves the actual decision-making process in the hands of committee chairmen and secretaries.⁴⁷

Implementation of the decentralisation policy, which has already started at sector level, shows that the collective community involvement works as long as there is adequate financial support, which in practice means adequate foreign financial support. Development aid policies focused at provincial levels, inviting donors to concentrate their funding on complementary projects within the same area (ideally, at least one donor for each province), have already produced satisfactory results. The sector level Community Development Committees (CDC's), in particular, are considered by many aid agencies as a success⁴⁸. The CDC's have shown that Rwandans can take over management of their own communities when given the opportunity, training and resources. However, when no donor is available to finance development and infrastructure projects and promote capacity-building, the whole set-up becomes dormant, and the consultative committees hardly meet.⁴⁹ This raises the crucial issue of the sustainability of the decentralisation effort in a country where resources are dramatically limited and too heavily consumed by security activities. Decentralisation can only work if there is a constant flow of financial resources to local government.

The tax base available to local authorities will remain extremely limited for the foreseeable future, even assuming that Kigali allows many resources to be transferred -- a policy which has already met resistance in some key ministries.⁵⁰ External financial support will therefore be key to the success or failure of the decentralisation strategy. Many expectations have already been created. There could be a serious political backlash if financial flows are not forthcoming.

IV. THE CONDUCT OF THE DISTRICT ELECTIONS: MAXIMUM CONTROL FOR MAXIMUM RESULTS?

The March 2001 District elections were undoubtedly an administrative success. The National Election Commission (NEC) proved that it could successfully conduct a poll on behalf of both the people of Rwanda and the Office of the President. But this so perfect orchestration of the event made some observers and voters suspect that the results were not a genuine reflection of the Rwandan people's will.

The elections were described by the regime's exiled opponents and even by some diplomats as a farce, controlled and manipulated by the RPF.⁵¹ Local and international human rights organisations denounced the complexities of the electoral system, the impossibility for political parties to campaign, and the heavy control the RPF-dominated NEC exercised over the selection of candidates.⁵²

The elections, however, were not a farce. The secret ballot was largely respected, and malpractice was minimal. The population was given the opportunity to elect district counsellors, albeit those cleared by the NEC, through a secret ballot. But they had to accept their mayors and other district executives chosen by an electoral college composed mostly of the cell heads and sector executives elected in 1999. As the RPF secretary-general explained, the Rwandan electorate was tested with a very limited mandate under tight political control. The RPF took no chances but left some room for new "wise men" to be selected. This is a step for democratisation, as President Kagame himself argued⁵³, but a very small one indeed.

⁴⁷ ICG interview, Foreign local government technical advisor, Kigali, 11 March 2001.

⁴⁸ ICG interview, several Foreign Aid agency representatives, Kigali, 18 January 2001, 24 January 2001, 9 March 2001; Western diplomat, Kigali, 23 January 2001.

⁴⁹ Ibid.

⁵⁰ ICG interview, several Foreign Aid agency representatives, Kigali, 18 January 2001, 24 January 2001, 9 March 2001; Western diplomat, Kigali, 23 January 2001.

⁵¹ Cf. Organisation for Peace, Justice and Development in Rwanda, "OPJDR rejects March 2001 Rwandan local elections", 15 March, 2001 and ICG interview, western diplomat, Nairobi, 20 March 2001.

⁵² Cf. Human Rights Watch, « No Contest in Rwandan Elections. Many Local Officials Run Unopposed », New York, 9 March 2001 ; LIPRODHOR, "Rapport sur les préparatifs des élections au niveau des communes prévus en date du 6 mars 2001", Gisenyi, 29 janvier 2001.

⁵³ Cf. Government of Rwanda, "Communal Elections a significant step in Rwanda's democratisation-President

A. THE 1999 PRECEDENT

The first step of the national decentralisation policy, the cell and sector elections held in March 1999, was a preview of this year's event. Through these first elections, 80 per cent of the current Electoral College was identified, which choose the new district mayors in 2001. The March 1999 elections were subjected to open political control through use of the queuing system⁵⁴ that first became notorious when it allowed rigging of the 1988 general elections in Kenya. The system originated, however, in colonial times (1920's) when chiefs and administrators told their African subjects to line up behind the "right" candidates. Queuing denies freedom of choice and any subsequent appeal since no material proof of the vote remains. The only advantage is that it is cheap, the main reason for its use in Rwanda in 1999.⁵⁵

There are few detailed accounts of the 1999 elections.⁵⁶ Reports from international observers appear strangely blind to the political manipulation inherent to the queuing system despite harsh criticism by human rights activists. Officially, of course, the elections were called a huge success with over 90 per cent participation and impeccable management. International observers found no problem with RPF-nominated *bourgmestres* and their assistants acting as the key organisers of the polls in the countryside, or with the presence of up to ten soldiers posted on average at each polling station in Kigali-Rural, Butare, Gisenyi, Kibungo and Cyangugu. Under surveillance of the administrative authorities and/or the army, candidates were supposed to announce their running in the elections spontaneously at each polling station and give a brief speech introducing one another.

The human rights league LIPRODHOR's account on the voting process in Gisenyi and Ruhengeri

gives a realistic picture of what actually happened. In Karago commune of Gisenyi, for instance, the army was deployed by 8:00 a.m. to push people to the polling stations. In some sectors, the number of voters was larger than the registered adult population. Sick people and teenagers would not risk being accused by RPA patrols of not exercising their "constitutional right". Voting was effectively compulsory, and 50 people were arrested in Umutara for not participating. Government officials acknowledged that those who did not turn up for voting were asked why and had to provide good reasons, such as illness.⁵⁷ Electoral committees often picked the candidates, who then were given an opportunity to state their names, level of education and age. The electorate, however, was strictly forbidden to make any loud comment or even talk to one another about the candidates. When the signal was given, electors were told to line up behind the "candidate of their choice"⁵⁸.

The electoral committees consisted of equal numbers of military personnel and civilian administrators. Other members of the military in civilian clothes also checked on the movements of the population on voting day. Under the supervision of the prefects and their deputies, the *bourgmestres* organised voting operations in each commune. According to LIPRODHOR, 70 per cent of incumbent counsellors were re-elected in Gisenyi and Ruhengeri (the actual figures are 54.2 percent and 59.4 percent), provoking mixed reactions from the population. Some complained that the exercise was a facade to legitimise illegitimate leaders, while others were genuinely happy and threw the winners into the air while singing their praises. In Karago Commune, one reluctant candidate who had refused the honour of being chosen by the electoral committee, was jailed for two days. Interestingly, LIPRODHOR concluded that the population tended to choose the most highly educated candidates, even if in some instances communal authorities complained that these were people sympathetic to armed groups (i.e. Hutu rebels).⁵⁹ Prior to the elections, there were reports that the RPF establishment was nervous about the possible election of "bad Hutu

Kagame", www.rwanda1.com/government/, 7 March 2001.

⁵⁴ With the queuing system, voters line up behind the candidate of their choice.

⁵⁵ ICG interview, NEC executive secretary, 18 January 2001.

⁵⁶ Cf. UNDP, "Summary of the observation of the local elections", mimeo, 5 April 1999; LIPRODHOR, "Observation des élections locales, régions du Nord-ouest du Rwanda", mimeo, 6 April 1999; Economist Intelligence Unit, Rwanda report, 2nd quarter 1999.

⁵⁷ Economist Intelligence Unit, Rwanda Report, 2nd quarter 1999.

⁵⁸ LIPRODHOR, "Observation", op. cit.

⁵⁹ Ibid.

leaders"⁶⁰. But, the impeccable organisation of the polls did not allow this to happen.

B. THE NATIONAL ELECTORAL COMMISSION: POLITICAL CONTROL AT ITS BEST

The 1993 Arusha agreement stipulated that an independent electoral commission had to guarantee the organisation of free and fair elections in Rwanda after a transition period. This commission was indeed set up by the RPF government to supervise the district elections. However, in two of the main areas of the commission's responsibility – selection of commissioners and of candidates – its neutrality, transparency and independence was doubtful. At the national level, the permanent secretariat, directly nominated by the Council of Ministers, was extremely powerful. At the provincial level, the *bourgmestres* participated in selection of commissioners, which meant that they, as future candidates, helped pick their own judges. NEC control over candidacies and close links with the provincial administration made it extremely difficult for non-RPF supporters to become district council executives, let alone, district mayors. This probably explains why there were many single, unopposed candidacies throughout the country (28 per cent for general candidates)⁶¹. The patronising way in which the RPF controlled the elections resulted in a significant number of rural elites, Hutu and Tutsi alike, deciding not to apply to be candidates, and in effect ignoring local government structures.

1. Composition Of The NEC

The electoral commission that conducted the elections was composed of a permanent secretariat nominated by the executive and of a college of commissioners elected by Parliament only for the March vote. Both the president of the commission, Protais Musoni, and the executive secretary, Christophe Bazivamo, are powerful RPF politicians. Musoni, a secretary-general of the RPF

in the early 1990's,⁶² was a prefect for Kibungo, Kigali and was also the former secretary-general of the Ministry for Local Government. Bazivamo is a former prefect of Gitarama.⁶³

Each political party presented twelve candidates to parliament for election to the college of commissioners. Six were chosen to form the decision-making caucus of the commission. These were in office for 60 days before the start of the elections and 30 days thereafter. The opposition party *Mouvement Démocratique Républicain* (MDR) was absent. It claims that it was not given the opportunity to make timely nominations.⁶⁴ However, political interests within the college were officially "balanced" between the RPF, the *Parti Démocratique Islamique* (PDI), the *Parti Social Démocrate* (PSD) and the *Parti Libéral* (PL). This balance was supposed to guarantee the objectivity of the commission. All decisions reached by the commission were supposedly taken either by consensus or by two-thirds of the commissioners elected. However, "mutual understanding" between all members of the commission insured that almost all decisions were made by consensus⁶⁵.

In place since August 2000, the executive secretary and his team began supervising the elections four months before the electoral commissioners were appointed by parliament. In areas where the decisions and authority of the commission held most sway, namely the appointment of district and provincial commissioners and acceptance of candidacies, the permanent secretariat's role was decisive.

Christophe Bazivamo was nominated executive secretary of the NEC by the Council of Ministers on 20 June 2000, five months before the NEC was officially and legally established⁶⁶. The permanent secretariat of the commission supervised the elections from the very beginning, under the authority of the permanent secretary of the

⁶⁰ ICG interview, western diplomat, Kigali, 9 March 2001.

⁶¹ There were three types of seats and therefore three types of candidates for the elections. The general candidates qualify for the "general seats" and can be men or women, old or young, whereas there are specific seats reserved for the representation of traditionally disempowered majorities, such as the youth and women.

⁶² Cf. Dorsey (M.), "Violence and Power-building in Post-Genocide Rwanda", op. cit.

⁶³ ICG interview, Rwanda political analyst, Kigali, 31 January 2001.

⁶⁴ ICG interview, MDR Interim President, Kigali, 8 March 2001.

⁶⁵ ICG Interview with college commissioner, Kigali, 14 March 2001.

⁶⁶ The six members of the commission were nominated on 14 December 2000.

Ministry for Local government, future NEC chairman Protais Musoni. Upon consulting with the Council of Ministers, the executive secretary nominated five assistants at the beginning of August. Once formed, the permanent secretariat supervised and selected commissioners at the provincial and district levels and started public awareness campaigns three months before the legal basis for the commission was approved. By the end of August, the secretariat had chosen four commissioners for each of Rwanda's 12 provinces, four months before the college of commissioners would officially approve them. Meanwhile, the secretariat appointed and trained members of the commission at the provincial and district levels and subsequently checked whether their activities were satisfactory before presenting their names to the college for approval at the end of December. In effect, the decision on whether or not to confirm provincial and district commissioners was made entirely by the RPF dominated permanent secretariat.

The selection of provincial and district commissioners was a key element of the elections. 33561 commissioners and representatives of the commission were dispatched throughout the country from the cell level to the commission headquarters in Kigali⁶⁷. Commissioners were required to be "persons of integrity, upright citizens sufficiently well considered and accepted in society that their opinion is valued throughout the province or district"⁶⁸. In order to find potential candidates for the local commissions, the permanent secretariat relied on prefects to find suitable candidates for the provincial commission. Similarly, the newly formed provincial commissions relied on the district authorities, the burgomaster and his team, to propose a list of candidates for the district commission. The ties between the administration and the commission at the grassroots level were in some cases very tight.

In the north-western province of Gisenyi, there was no test for the recruitment of members of the commission, only the word of the local authorities. In many cases, the local burgomaster actively searched the district for someone suitable for the post. Théoneste Marijoje discovered that he had been picked to be part of the Gasiza district electoral commission during what he thought was a

local administration meeting⁶⁹. The prefect of Gisenyi invited a selection of influential people from the various districts of the province based on a list established by the local administration and bourgmestres. These were then informed, without choice, that they were to be members of their districts' electoral commission. Members of the provincial electoral commission were present but did not make the final decision⁷⁰.

Local electoral commissioners wielded significant power in so far as they were the first authorities to accept or reject candidates in their district. When, as in most districts, the outgoing *bourgmestre* chose to run for district mayor, he effectively picked the judge who was going to supervise his efforts at being re-elected. Moreover, results of local investigation indicate a strong possibility that in most districts of the province of Gisenyi at least one member per commission was part of the Directorate of Military Intelligence⁷¹. In that province, both the president of the provincial commission and the presidents of the commission of Gasiza and Cyanzarwe districts were confirmed to be part of the DMI. In Gisenyi town, the assistant to the outgoing *bourgmestre* became president of the electoral commission, further underlining the links between local administration and the commission. In Gitarama (Buringa, Ntungwe, Taba, Musambira, Nyamabuye districts) and Kibungo (Kabarondo, Rusumo districts) provinces, local members of the commission were also chosen by the local authorities⁷². In these cases commissioners could no longer be seen as objective and impartial, but liable to favour candidates backed by local or governmental political interests. In Gisenyi's Kanama district, the commission backed the candidature of one of the ex-*bourgmestres* of the commune, Ignace Uwamungu. The commission subsequently contacted friends of the outgoing burgomaster, Augustin Mfitimana, urging them to dissuade him from running in the elections.⁷³ Since the government nominated all prefects and *bourgmestres* as well as the permanent secretariat of the commission, commissioners were invariably in line with the interests of the RPF dominated government.

⁶⁷ Source: National Electoral Commission.

⁶⁸ ICG interview, 14 March 2001.

⁶⁹ ICG observation report, Gisenyi, March 2001.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² ICG observation reports, Gitarama and Kibungo, March 2001.

⁷³ ICG observation report, Gisenyi, March 2001.

2. A Too Powerful Institution

The law gave the NEC an essentially technical role. It instructs the commission to prepare, supervise and conduct the elections. In practice, however, the commission ruled on which candidacies to accept and which to reject while supervising all electoral campaigns. District electoral commissions were the first to perform these tasks. Candidates were required by law to be highly educated and "persons of integrity", an elusive criteria that the NEC alone could assess⁷⁴. In fact, the law established guidelines that the commission was supposed to implement. The commission was also to fill jurisdictional gaps and complement the law via "instructions of the president of the commission". In its interpretation of the law on candidacies, the commission was the sole institution deciding whether or not to accept potential candidacies. The appeal to the Supreme Court provided by the law was interpreted by the NEC as only relating to cases of ballot manipulation, not to its own judgements. No authority existed to check the potential abuse of NEC power in the district except the will of an individual to lodge a challenge. In practice, this meant appealing to the district level, then provincial, then to the NEC and, if the plaintiff was still dissatisfied, as a last resort, to the Supreme Court. Given the determination needed for an individual to pursue this process, and its sheer length, successful complaints against the NEC were extremely rare.

3. Voter Registration

The NEC's first achievement was almost universal voter registration. In Kigali, the region with the highest figures the NEC asserted that more than 126 per cent of voters registered! An inaccurate population census used as the basis of the calculations explains that unrealistic figure. Nevertheless quasi-obligation to register produced a national registration rate of 98.36 per cent.⁷⁵

These figures do not necessarily demonstrate enthusiasm. Popular belief was that, just as in 1999, registration and voting were mandatory, and that the military would expect citizens to carry

their voters' cards at all times. The law ambiguously mentioned that registration on the electoral list was "an obligation for all Rwandans wishing to vote".⁷⁶ The first three days of the registration period were devoted to "intensive mobilisation". From 5 January to 8 January 2001, registration officers were sent to all cells of the country, accompanied by members of the Local Defence Forces, to take people's details. Only then did citizens have the opportunity to register voluntarily in the commission's offices at district level. To be registered, potential voters had to be eighteen years old and hold a national identity card. Foreigners could also vote provided that they had resided in the country for at least a year.

C. THE RACE BEFORE THE RACE

The electoral law favoured either educated individuals or experienced administrators. To be elected a counsellor at the district level, a candidate had to hold at least a secondary school certificate or diploma. But candidates willing to be elected administrator (mayor, or holder of one of the other district executive positions) had either to be university graduates, have completed secondary education with at least ten years of work experience, or have completed six years of secondary education and have been burgomaster for at least five years⁷⁸. Such conditions were impossible for many would-be district mayors to satisfy. In particular, they disadvantaged many rural leaders.

Outgoing *bourgmestres* who were too unpopular or politically doubtful were frequently removed from their positions ahead of the elections. In total, 59 *bourgmestres* – more than one-third of the entire corps – were replaced by decree before the elections (26 in 1999, 33 in 2000).⁷⁹ These were officials who either were accused by the

⁷⁶ Art 14, Chap 4, N42/2000 of 15 December 2000, Law instituting the organisation of elections of leaders at the grass-roots level in Rwanda

⁷⁷ Cf. LIPRODHOR, "Rapport sur les préparatifs des élections au niveau des communes prévus en date du 6 mars 2001", Gisenyi, 29 janvier 2001.

⁷⁸ Art.11 and 12 Chap.3, N42/2000 of 15 December 2000, Law instituting the organisation of elections of leaders at the grass-roots level in Rwanda

⁷⁹ Annexe to the decree from the Prime Minister's office legalising the replacement of the *bourgmestres*, mimeo, October 2000.

⁷⁴ Art 10, Chap 3, N42/2000 of 15 December 2000, Law instituting the organisation of elections of leaders at the grass-roots level in Rwanda

⁷⁵ See Appendix 5 for detailed regional statistics of registration levels.

population of corruption⁸⁰ or incompetence, were too unpopular or had been appointed by Faustin Twagiramungu or Pierre-Celestin Rwigyema. They were replaced by freshly trained RPF cadres.⁸¹

It would have been impossible, however, for the NEC to control all sector nominations. The great majority of candidates, who posed no threat for the election of the district executives, were only screened by the NEC, which, after all, was seeking to identify genuine future leaders who could later be recruited into the government⁸². While control over candidacies for the 530 most senior executive positions on district councils was probably absolute,⁸³ the electorate was asked to choose more than 2,700 representatives.

1. Problematic Candidacies

Prospective candidates had at least to have completed secondary education.⁸⁴ Most people in rural areas apart from schoolteachers could not meet this requirement. This goes a long way to explaining the high numbers of unopposed candidates, especially for positions reserved for youth and women. Candidacies were also low for other reasons. Gitarama, for instance, registered 44 per cent single candidacies for the general posts.⁸⁵ Butare, a city and district known as the "intellectual capital of Rwanda" and dominated by francophone Tutsis, registered 52 per cent single candidacies for general posts – the highest in the country. The lack of qualified candidates particularly affected the counsellor posts set aside for women. In Kigali, 36 sectors (84 per cent) had just one woman candidate.⁸⁶

The lack of volunteers sometimes forced the administration to recruit candidates. On 22 January, two days after the closure date for candidates to submit their papers, the total number of candidacies was 7,256. A week later the figure had risen to 8,431. The final figure of accepted candidacies was 8,175, some 900 more than when applications were officially closed. Many of these last minute candidates were not given the option of refusing to stand. In many cases, local *bourgmestres* recruited them. In Gitarama, the local prefect dispatched an assistant to Taba district to recruit candidates in schools, where teachers were simply told to write their names down and that the rest of the necessary information would be collected later.⁸⁷ Other candidates were summarily informed that they had been chosen to run.⁸⁸

The only people to have completed secondary education in rural areas were often teachers and therefore constituted the overwhelming majority of candidates. All candidates in the district of Mutura in Gitarama were teachers except for the outgoing burgomaster.⁸⁹ In Buringa sector, the communal administration dispatched the school inspector to complete the candidate list. The inspector summoned the teachers she believed were suitable, who then discovered that rather than being called for a school meeting they had been chosen to stand for election in their respective sectors.⁹⁰ In Ruyumba district in Gitarama, sector counsellors directly intervened at the sector level to find youth and women candidates. All the youth and women candidates for Birambo, Gihembe and Nyarukaba sectors were picked by their respective sector counsellors.⁹¹

⁸⁰ A complaint expressed directly to Paul Kagame by the population, for instance, while touring Kibungo province in August 2000. Cf. *Grands Lacs Hebdo*, N°209, 24-30 août 2000.

⁸¹ Interview ICG, former RPF Cadre, Brussels, 9 July 2001; western diplomats Kigali, 25 January 2001.

⁸² All elected counsellors shall go to solidarity camps once elected and ICG interview, Rwandan political analyst, Kigali, 31 January 2001.

⁸³ Five executive positions for every districts.

⁸⁴ Art 11, Chap 3, N42/2000 of 15 December 2000, Law instituting the organisation of elections of leaders at the grass-roots level in Rwanda

⁸⁵ Cf. POER press statement 5 March 2001

⁸⁶ The reluctance of Rwandan women to participate in public affairs has traditionally been ascribed to lack of self-confidence.

⁸⁷ ICG observation report, Gitarama, March 2001.

⁸⁸ In the Ntongwe district of Gitarama, faced with a similar problem, the local burgomaster convened an urgent meeting of all sector counsellors and urged them to recruit people in their respective sectors who fulfilled the education criteria in order to get them to run in the election. Approximately half all candidates in the district put their names down on the last day, 20 January. Youth candidates for Rutabo and Gitovu sectors confirmed having put their names down following the orders of their sector counsellors.

⁸⁹ In the Mutura district of Gitarama, four teachers were constrained to put their names forward in the election: Ngirumpatse, Christophe Kabera, Pascasie Nyirabariyanga, and Anastase Nyirimpeta.

⁹⁰ ICG observation report, Gitarama, March 2001.

⁹¹ ICG observation report, Gitarama, March 2001

The local administration's role in the selection of candidates was not limited to cases where candidates were too few. In some instances, sector counsellors actively sought candidates because the volunteers were deemed unsuitable, not popular enough, or unresponsive to Kigali's priorities. Alice Mukamana in the Bimomwe sector of Ruyumba district was made to stand against Triphine Mukankusi, a genocide survivor who was not deemed popular enough in her sector by the administration.⁹²

The great majority of candidates in Gisenyi were RPF members.⁹³ The military was directly implicated in forced recruitment to the party RPF. Théogene Mudahakana, the burgomaster of Karago commune, compelled the candidates of Mutura, with the help of the 47th battalion of the RPA, to join the RPF. Meetings took place in military camps, presided over by military officers.⁹⁴ The soldiers from those brigades later went on to vote in the elections. Similarly, in January and February 2001, the prefect of Kibungo, Eugene Barikana, visited all the communes of the province in order to find candidates who would accept RPF ideology. Three months before the elections, Barikana replaced six *bourgmestres* in different communes of the province.⁹⁵ It was made clear to those removed that they were neither expected nor allowed to participate in the elections. Francois Bizimana, who had been burgomaster of Kabarondo commune, was ordered not to run in the election during a meeting of the local branch of the RPF.⁹⁶

In the end, political interference was very high in Ruhengeri and Gisenyi, and very significant in Gitarama, Kibungo and probably other provinces of the country. It did not guarantee that the influence of Kigali was respected in all the districts, as local politics often have a life of their own, but whether engineering from above or at the district level, the RPF was insistent. The only level at which it was caught relatively unprepared and forced to innovate at the last minute to find additional candidacies was for the elective

positions (actually the great majority) which involved deliberative functions but no decision-making. Many rural opinion leaders had understood that the elections for executive positions were arranged in advance and refused to support the system by seeking relatively inconsequential district counsellor positions.

2. Campaign Controls

The electoral law required candidates to campaign under the supervision of the electoral commission and prohibited any party involvement. This was also aimed at limiting influence of wealthy and powerful candidates, who were potentially subversive. Commissioners made repeated derogatory reference to the "methods of the past", by which they meant such practices as candidates buying rounds of drinks in the local bar.⁹⁷

The local commissions allotted candidates an equal length of time – normally five or ten minutes – to present their projects and ideas. All were scrupulously timed. The local commissions also devoted considerable effort to educating the public in the voting process and the electoral system. Restrictions on campaigning, and the NEC's close supervision facilitated the re-election of incumbents as district mayors or their nomination to district executive committees since they were the only candidates already widely known. The commission guarded against the appearance of any political or ethnic sectarianism in election platforms, strictly forbidding candidates to run along ethnic lines. Indeed, each candidate was thoroughly briefed on what was and was not allowed. They were told that they were forbidden to raise ideological or political issues but were instead expected to advocate personal projects for the benefit of the population with a emphasis on such local issues as the education or availability and access to water or education.

The electoral law was not universally respected. The outgoing burgomaster for the commune of Mugina in Gitarama, Donat Nshimyumukiza, was accused by the electoral commission of campaigning illegally in sectors of the neighbouring commune that were to be annexed to his commune to form Mugina district. Pressed by the burgomaster of the latter commune, the

⁹² Ibidem

⁹³ Christophe Kabera, Ambroise Gasabaganya and Marie Bugenimana in the district of Mutura are all part of the RPF.

⁹⁴ ICG observation report, Gisenyi, March 2001

⁹⁵ In the communes of Rusumo, Nyarubuye, Birenga, Sake, Mugesera and Kabarondo.

⁹⁶ ICG observation report, Kibungo, March 2001

⁹⁷ ICG observation report, Gitarama, district Kamonyi, March 2001.

commission refused Nshimyumukiza's candidacy in Mugina district. However, Nshimyumukiza subsequently ran in the elections in Ntongwe commune. He explained to the local burgomaster that he had been sent by the RPF and called official meetings of the sector committees following which counsellors were taken to a cabaret and told who to vote for.⁹⁸

The entire local administration apparatus was at times mobilised to ensure the election of selected candidates by organising and financing campaigns. In Gisenyi, the local prefect authorised outgoing *bourgmestres* to deduct a certain amount of money from the communal fund to finance their campaigns, which people outside the administration were then employed to run. The commission was aware of this, but did not act.⁹⁹ Only one new burgomaster was elected in Gisenyi province, Cleophas Ntarisoba, a Hutu mayor of Kanama district, who beat Ignace Uwamungu – the former Tutsi burgomaster of the commune – despite the illegal campaign that the administration financed and ran on Uwamungu's behalf.¹⁰⁰

In some cases, local political groups with a vested interest in maintaining the status quo organised illegal campaigns parallel to those supervised by the NEC. When, as in Rusumo, Kibungo, both the prefect and the military lent their weight to these local political interests, there was little the administration could do.¹⁰¹

While illegal campaigning was tacitly condoned in some parts of the country, in others, individuals risked imprisonment if they openly questioned a candidate's credentials. In Cyeru district, sector Ndago, of Ruhengeri province, a former counsellor was imprisoned for twelve days for publicly criticising the candidacy of the outgoing burgomaster. The outgoing burgomaster was extremely unpopular in the district. He had served since 1994, and was accused of failing to protect the population against raids by ex-FAR and Interahamwe militias between 1996 and 1998.¹⁰² Despite his record, the members of the Electoral College, sensitised by the local district administration, voted him back in, and the critical counsellor was punished by the sector committee

for pursuing a counter-campaign in violation of the electoral law.

D. VOTING AND RESULT

People voted on 6 March in impressive numbers. The technology involved - i.e. the printing of candidate photos on ballot papers - was mastered remarkably well, and very few irregularities were reported by national and international observers.¹⁰³ The national participation rate was 96.08 per cent, with the lowest figure in Kigali town at 90.08 per cent. The NEC moreover prides itself that 86,9 per cent of the newly elected counsellors had no previous relations with the provincial administration¹⁰⁴. In the respect, the RPF objective of identifying a new generation of new rural leaders has probably been met. Their election carries no risk since most of them only have consultative powers in the new district assemblies, where their behaviour will be further tested for RPF recruitment.

Nevertheless, legitimate reservations can be raised about the democratic quotient in the elections. According to a local observer, the people considered the elections the "ordinary run of state affairs". It was accepted that some candidates were to be voted in, others not. Both voters and candidates were aware of the role they were expected to play.¹⁰⁵

People feared being arrested or menaced if they did not vote, particularly in provinces like Gisenyi with a strong military presence. Soldiers made it clear to citizens that they were expected and required to vote. President Kagame himself declared to Radio Rwanda on 18 February 2001, that voting was not compulsory but if you did not vote: "you'd better have a good excuse"¹⁰⁶. Many believed that it would henceforth be compulsory to

¹⁰³ Cf. POER, « Rapport intérimaire sur les élections au Rwanda », mimeo, mars 2001 ; Coordinateur PNUD, « Rapport préliminaire de l'observation électorale internationale », mars 2001.

¹⁰⁴ République rwandaise, Commission électorale nationale, "Elections des autorités administratives des districts et des villes au Rwanda du 6 au 13 mars 2001 : résultats sommaires", mai 2001.

¹⁰⁵ ICG interview, local observer, Kigali, 7 March 2001

¹⁰⁶ POER, "Rapport sur les élections de mars 2001", op.cit., p. 7.

⁹⁸ Ibid.

⁹⁹ ICG observation report, Gisenyi, March 2001

¹⁰⁰ Ibid.

¹⁰¹ ICG observation report, Kibungo, March 2001.

¹⁰² ICG interview, Ruhengeri, 12 March 2001

carry the card bearing the "Yatoye" stamp as proof of having voted¹⁰⁷.

Eighty-six of the 106 district mayors elected were incumbent *bourgmestres*. Skilful lobbying, the adept use of Rwanda's highly centralised local administration and a favourable electoral system contributed to this impressive figure. In most districts, members of the Electoral College had been "sensitised" into voting for a particular candidate -- usually the burgomaster with whom they had been working for the past year or two. In short, there was little room for surprises in this second stage of the elections. The new district mayors had presided over the cell and sector executive elections of March 1999, over the selection, that is, of the officials who were now to elect them and who would themselves shortly be seeking new mandates.¹⁰⁸ The system in place was "incestuous" and naturally favoured the status quo.

Since the vote was secret, there were no absolute guarantees that the incumbents would be elected. Still, the promotion of one burgomaster by another was often enough to ensure victory. *Bourgmestres* from communes that had been incorporated into larger districts following the re-drawing of electoral boundaries often entered into arrangements with the neighbouring commune's burgomaster or were forced to do so by higher administrative authorities. In the north-western province of Gitarama, for example, the commune of Taba was integrated in Kamonyi district following the electoral re-drawing. The local burgomaster withdrew from the elections after the prefect backed the outgoing burgomaster from the district of Runda. Similarly, in Kigali rural, the outgoing *bourgmestres* of the former Tare and Mbogo communes agreed between each other not to compete for the position of mayor of Rulindo district, a new district incorporating both their former communes. The Tare burgomaster eventually ran in the election in another newly

formed district, Kabuga, on the invitation of its former burgomaster, Théogene Kalinamaryo, who himself then ran in the Kanombe district of the city of Kigali, part of which had formerly stood within his commune¹⁰⁹. Kalinamaryo then convened communal meetings in his former commune to promote his candidate, the Tare burgomaster. Since 154 outgoing *bourgmestres* were competing for 91 district mayor posts and fifteen mayoral seats, the probability that incumbents would dominate the election was very high.

When local political interests were in competition, collaboration with the national RPF leadership was necessary. This was most strongly felt in the north-western province of Gisenyi, which saw some of the worst fighting during the 1997/98 raids by Hutu infiltrators and ex-FAR and retains a considerable military presence. RPF committees and followers in Gisenyi directly forced candidates to step down in favour of their candidates, forcibly enrolled candidates into the RPF, or recruited potential RPF sympathisers as candidates. RPF committees recommended the election of the burgomaster of the former Karago commune, Théogene Mudahakana, over that of the burgomaster of Giciye commune, Valentin Nizeyimana. Nyirabagoyi, another rival of Mudahakana's, was also forced to step down¹¹⁰. In Rwerere district, Gisenyi, the district administration simply called for a meeting of all sector committees and circulated a list of the five members of the executive committee for whom they were requested to vote.

But local and national political interests sometimes did not necessarily coincide. In the province of Kibungo, the state's decentralisation policies ran counter to Eugene Barikana's efforts to establish a network of personal supporters. The local administration did everything in Rusumo district to re-elect the outgoing burgomaster, Henry Rwagasana. He was unopposed to succeed himself as district mayor in Kirehe sector because the military and local defence forces intimidated other would-be candidates.¹¹¹ Despite having been recruited by the RPF to stand in that election, Balthasar Mukezabera, a Hutu returnee, received death threats that forced him to withdraw. Mukezabera was Kigali's best choice, a new Hutu

¹⁰⁷ The local observers stress that during the sensitisation campaign, some provincial administration leaders had announced that voting was a "civic duty". In Kinyarwanda, the word "ugomba" was used, which does not differentiate between "duty" and "obligation". In the end the right to abstain was not recognised. Cf. POER, "Rapport sur les élections de Mars 2001", op. cit., p. 7.

¹⁰⁸ Cell and sector executives were initially elected only for two years and should have sought a fresh mandate before the district elections. Now, the cell and sector executive elections have been postponed to 2002.

¹⁰⁹ ICG observation report, Kigali rural, March 2001

¹¹⁰ ICG observation report, Gisenyi, March 2001

¹¹¹ ICG observation report, Kibungo, March 2001.

leader who could have boosted the popularity and outreach of the system. Rwagasana, however, was backed by both the prefect and the military commander for the Kibungo, Byumba and Mutara region, Colonel Gashayija, who were present during the vote of the Electoral College to encourage his victory.¹¹²

The bigger the stakes, the less the risk the administration was willing to take. Thus, the mayor of Kigali was elected via a doubly indirect system. Counsellors-elect voted for representatives of their district at the city council who then went on to run for mayor or assistant mayor. This vote was taken in a gathering of all cell representatives and sector counsellors city-wide. The law states that the election should take place only once all district and city counsellors have been sworn in during a public oath-taking ceremony.¹¹³ The elapsed time between the elections of district administrators and the mayor guaranteed an opportunity to lobby as further insurance that the "right" candidate would win. Jeanne Gakuba, a member of the newly elected city council who was believed to aspire to the mayor's office, was contacted directly by the secretary general of the RPF, Charles Murigande, who urged her not to stand for mayor, but offered her instead the post of gender and women's development secretary. Gakuba had little choice but to accept, and she won the proffered position on election day with 95 per cent of the vote.¹¹⁴

Théoneste Mutsindashyaka, ex-secretary general of the Ministry of Labour and Public Function, was elected Kigali's mayor. His rival, opposition party MDR secretary Christian Marara suspected a conspiracy to prevent him from running. He had privately declared that while it was possible to trick the twenty individuals on the district council, one could not trick or influence the 800 on the capital's Electoral college and that he logically expected victory. But Mutsindashyaka won with over 90 per cent of the vote.¹¹⁵

The co-ordination of all participants during the second stage of the elections was such that there was hardly any hesitation when candidates stepped

up for posts on the district executive committees or city councils. In Nyarugenge and Nyamirambo districts in Kigali, two prominent local figures were easily elected as mayors, respectively Augustin Kampayana, outgoing burgomaster for Nyarugenge, and Gervais Dusbemungu, the outgoing under-prefect of Kigali. City counsellors were elected directly and only by the members of the newly chosen district council. The scope for political pressure thus increased as the size of the Electoral College decreased. During the election for city counsellors in the Nyamirambo district of Kigali, three candidates stood for three places. Prior agreement was clear, despite the significant political gamble of risking a place on the district executive committee for a possible one on the city council. Generally, the biggest political players applied for the posts.¹¹⁶

Since only 106 of 154 districts remained in the country after the re-drawing of the electoral boundaries, 48 *bourgmestres* could not be re-elected. In many cases, these went on to be chosen for the second most important position on the local council, secretary of finance. In Gisenyi, two *bourgmestres* lost their districts after the re-drawing. The burgomaster of Karago commune (merged with Giciye commune) became Secretary of Finance in the district's new administration while the Giciye burgomaster became mayor. In this case, the candidate backed by the authorities failed to get elected but the choice remained in the hands of prominent local politicians without scope for real change.

In the second stage of the elections, the secrecy of the ballot was respected, but in the overwhelming majority of cases the candidates that were expected to go through did, and most with very little competition. In the Cyanwarze district of Gisenyi, the identity of four out of five of the newly elected district executive committee was known before the elections, as well as the identity of the mayor for Kigali. All the newly elected mayors in Gisenyi and Ruhengeri were part of the RPF. Despite the secret ballot, the "right" candidate still won. This was partly explained by the rigorous selection of candidates, partly by lobbying, and partly by the disinterest and lack of motivation among

¹¹² Ibid.

¹¹³ Art.66 Section 2, Law N07/2001 of 19 January 2001 establishing the organisation and administration of the city of Kigali

¹¹⁴ ICG observation report, Kigali, March 2001.

¹¹⁵ Ibid.

¹¹⁶ Sheh Abdul Karim Harelimana, Ex-Minister of the interior, Antoine Mugesera, prominent member of the NGO IBUKA, and Christian Marara, secretary general of the main opposition party MDR.

Rwandans who did not believe the election could influence the system. Through their cell and *abakazi* representatives, voters were aware of which candidates the most influential local personality – often a RPF member – would back, and mostly they voted for that individual.

The voters' choice is understandable. Rwandans are tired of conflict. They tend to prefer candidates who are likely to bring dispensaries, roads and schools to their impoverished localities, and appease the security apparatus, rather than opposition candidates, who risk bringing nothing but trouble.

E. OBSERVATION OF THE ELECTIONS

International observers concentrated on whether the elections could be described as "free and fair". The international community did not give itself the means, however, to evaluate the credibility of the poll fully. It loosely co-ordinated observers under a UNDP umbrella, marginally funded local efforts and provided some guidelines on what to look for. A consultant endeavoured to ensure that diplomatic observers were dispatched throughout the country. But international observation was essentially passive, concentrated on the events of 6 March rather than on the earlier activities of the electoral commission. It did not assess the commission's independence, observe the registration of voters or the selection of candidates.¹¹⁷ Despite their concerns over human rights abuses inside the country and the military intervention in the Congo, most donors are convinced that "this government is going in the right direction." Since "it has achieved tremendous results since 1994", many are ready to support it without asking too many questions.¹¹⁸ If they sometimes privately agree that some things are going seriously wrong, there is a general consensus to give the government a smooth ride and an opportunity to sort out its security problems, at least until the end of the transition period in 2003.

Local observers faced a more challenging environment. The NGO *Ligue pour la Défense des Droits de l'Homme dans les Grands Lacs* (LDGL)

brought together six civil society groups to form an election monitoring civil society caucus in October 2000, the "*Programme d'observation des élections au Rwanda*" (POER), based on the prescriptions enshrined in the Arusha accords of 1993. During the course of the elections, POER sent 96 members into the field, grouped in twelve teams to cover all of Rwanda's provinces.

The combination of the haste with which the electoral law was passed and POER's late start produced incomplete observation. Though planned in October 2000, POER did not take off until February 2001, only weeks before the start of the elections. To begin, it had to gain legal recognition from the Ministry for Local Government (MINALOC). Though the relationship with the government was often labelled "good", the administration did little to facilitate POER's existence or work. Authorisation from NEC to observe the elections was received only when there was in effect little left to observe. The campaign began on 15 February but the commission distributed official observation credentials only on 2 March, a mere two days before the end of the period.¹¹⁹

According to the *Fédération Internationale de la ligue des Droits de l'Homme* (FIDH),¹²⁰ the Rwandan secret services infiltrate human rights groups in order to quell dissident voices, rather than directly persecuting them. The infiltrators are tasked to report on the ideological and political positions of NGO members, and in some cases they are able to change the political orientation of the groups. Such tactics have largely succeeded in breaking up the Rwandan local NGO network since 1996.¹²¹ Within POER, the powerful genocide survivors association IBUKA vetoed press statements before release.¹²² Its executive secretary, who had become executive secretary of POER in February 2001, made sure the local observers stayed in line. It is not surprising, therefore, that the local observers were docile. It did not, and perhaps could not act, as the guarantor of free and transparent elections that it stated was its purpose. Nevertheless, it made a good first attempt that emphasised the importance of similar

¹¹⁹ Ibid.

¹²⁰ *Fédération Internationale de la ligue des Droits de l'Homme*, Rapport annuel 1999, p. 60.

¹²¹ ICG interview, Human Rights activist, Kigali, 13 March 2001

¹²² ICG interview, POER member, Kigali, 12 March 2001.

¹¹⁷ Cf. "Rapport préliminaire de l'observation électorale internationale", préparé par le consultant coordinateur PNUD, 10 March 2001.

¹¹⁸ ICG interviews, diplomatic corps, Kigali, February-March 2001.

operations being undertaken during future national contests.

V. CONCLUSION

As this report has shown, the March 2001 elections were far from being free even though they were fair in terms of the ballots cast. The people of Rwanda had little to do with the choice of district mayors or of the Mayor of Kigali, contrary to what the government claims, but in most sectors, they did freely chose their representatives within the tight framework set by the electoral commission. A new generation of "wise men", fitting the RPF definition of good leadership, had the opportunity to come forward and contest for a limited mandate.

Were these elections meaningful in terms of democratisation? They were politically meaningful for the RPF regime as an element of its political strategy, but the tight political control applied to the entire process undermined its democratic potential. In the end the elections allowed little meaningful expression of views, even at local level, outside the proscribed framework of national unity and reconciliation. Their result was "virtual", an image of near perfection rather than a reflection of the diverse social reality of Rwanda.

This "electoral experiment" sends mixed signals about democratisation to the people of Rwanda because it also happened in a context of political repression of the opposition. The RPF has been busy recruiting new members and officials throughout the country, but all other parties have found themselves in trouble for attempting to do so. Conveniently, the RPF dominated government is also the sole judge of political behaviour, according to the spirit of national unity and reconciliation. Opposition political figures perceive this as a clear indication that the authorities do not intend to permit them to make a genuine challenge in free and fair elections when the transition period comes to an end in two years time.

The demotion and departure of Minister Théobald Rwaka Gakwaya, followed by Supreme Court Magistrate, Col. Cyiza, were only two of the latest developments in this respect. Both were accused of recruiting supporters for the *Parti Démocrate Chrétien* (PDC) in secret meetings in Cyangugu in September 2000, and were under pressure from the RPF to fall into line. Similarly, the Executive Bureau of the *Mouvement Démocratique Républicain* (MDR) was suspended by the Minister

for Local Government, Desire Nyandwi, after attacks by some of its members against its interim leader, Célestin Kabanda. This is the latest episode in a long series of systematic moves to destroy whatever credibility the party had kept as a possible opposition force in the coming national elections. Other parties, including the *Parti Social Démocrate* (PSD) and the *Parti Libéral* (PL) have been similarly destroyed through the tight surveillance of the parliament-based "Forum of political parties," led by RPF Secretary-General Charles Murigande. Former President Pasteur Bizimungu and his aides, have also been subjected to intimidation¹²³.

By restricting political discourse to the rubric of "national unity" and "consensual democracy", the RPF leaves little option for opponents but exile, or clandestine operation. By controlling all political activities and refusing to countenance the slightest electoral defeat, the RPF suggests that it does not believe it can achieve its goals within the institutional framework it purports to be building. To many Rwandans, initiatives like the 2001 district elections and the decentralisation reforms appear a charade, conducted largely for the benefit of the international community.

Certain contradictions in the RPF's philosophy are apparent. Its favoured manner of conducting a discourse on national unity and reconciliation is top-down – inconsistent in procedure at least with the professed principles of decentralisation. A close examination of the March 2001 electoral process suggests that it will be at least very difficult for the authorities to both impose consensus from above and reflect the country's diverse interests. The government must ask and find answers to a number of questions before there can be much optimism that the national elections in 2003 will truly seal Rwanda's transition to stability and democracy. These include: how do Rwandans perceive their own government? Are there genuine channels of communications in place between the citizenry, which is 95 per cent rural, and the country's leadership? How can the opposition express itself non-violently inside the country? Where do the external threat stop and the internal one begin?

¹²³ ICG will publish a more thorough report on the complex issue of political pluralism in post-genocide Rwanda within the next three months.

A change of political course is needed to rebuild trust and confidence in the government. The constitution-making process ahead and the upcoming national polls give the RPF opportunities to liberalise political activity. It is critical that the decentralisation policy succeeds. Bringing accountability and responsibility for the management of their own affairs to the communities could be Rwanda's true revolution¹²⁴. It would change the face of administration and help establish democratic governance in the rural areas. For this policy to work, Kigali must actually give financial, political and administrative autonomy to the districts. Simple administrative deconcentration, which leaves power in the hands of provincial administrations, would be counter-productive. If devolution is not supported by the creation of a specific administrative corps, for instance, specialising in local government policy management and independent of the central government, it will largely remain a paper exercise. According to the new law, the district executive secretaries, who actually run the district administrations, are appointed by "the district council after a competitive examination"¹²⁵ but their relation to the provincial executive secretaries – themselves members of the central government – and to the security services remains unclear.

Moreover, the administrative chain of authority -- from the Office of the President, to the hills -- is under control of an omnipresent security apparatus, which shadows the official system.¹²⁶ This over-centralised structure is also incompatible with democratic decentralisation. As long as local government has no capacity to implement policies autonomously, accountability will remain directed towards the president, and the people of Rwanda will find themselves burdened by a new array of

¹²⁴ The first social Revolution brought down in 1959 the Tutsi monarchy, which, under the influence and the authority of colonial powers, had become an instrument of domination of the Hutu masses and had degenerated into a ruthless and extremely oppressive social institution. The social revolution degenerated itself very quickly into an oppressive movement. It led to recurrent ethnic pogroms and was used as a justification for the Hutu dictatorships of the 1st and 2nd Republics, forcing hundreds of thousands of innocent Tutsi families to seek refuge out of the country.

¹²⁵ Art. 79 of the Law N°04/2001 establishing the organisation and functioning of the district, published in the Rwanda gazette on 13 January 2001.

¹²⁶ ICG interview, Rwandan Human Rights activist, Kigali, 18 January 2001.

useless elected counsellors, prone to endless politicking, abuse of office and corruption.¹²⁷

The tight intelligence and security grip can and should be loosened. Not all of Rwanda's communes are threatened by militia infiltration. The military, including the DMI, should have nothing to do with management of civilian government or vetting of candidates. The new districts need to be freed from military interference in their affairs. If the Local Defence Forces are to become the local police, supporting the enforcement of district regulations and implementing *gacaca* decisions, they should be professionalised and separated from the military.

The NEC, as it operated in the March elections, is both too powerful and too partisan. Its close connections with the ruling establishment, both at national and local levels, make it a tool of political control, not an independent and transparent institution. The initial law should be reviewed to set up a truly autonomous NEC on a permanent basis. The recruitment of staff, both nationally and locally, should be open and transparent, without interference from the authorities, including the security services. It must build trust in its neutrality and commitment to organising elections that will be fair to all political forces. A permanent independent monitoring mechanism of the NEC should also be immediately set up and funded by the international community.

Election observation cannot be efficiently handled on an ad-hoc basis. It requires technical expertise and intimate knowledge of the political field, capacity building and constant monitoring of government departments. Local and national elections usually follow each other at two to three-year intervals. Preparations start six to twelve months in advance. There is, therefore, a good case to establish a countrywide network of election observers, with training and organisation supported by the international community. Such a network would be vital to the long-term strengthening of democracy.

Political differences are not necessarily divisive if space is provided for free debate. But the consensus methodology adopted by the government, however, operates in an oppressive manner. It is urgent, therefore, for Rwanda to

liberalise the activities of political parties, the media and civil society. If opposition parties are not given the opportunity to rebuild themselves and present a fair challenge to the RPF well in advance of the 2003 national elections, the entire democratic logic that the government says it wants to institutionalise will be crushed. Such restrictions on political activities that are retained should apply equally to all. The political playing field should become level, and the RPF should no longer benefit from being the sole legal political operative in the country.

Rwandan society is still largely traumatised by political conflict and the genocide. This does not mean, however, that all political freedoms should be sacrificed in the name of national unity and reconciliation. The opening of political party activities and restoration of basic political freedoms can be gradual, involving first the restoration of freedom of association and freedom of the press and only later freedom of public assembly for mass political rallies. The office of an independent ombudsman should be created to offer advice and recommendations--and possibly mediation-- to Rwandan citizens in case of conflicting interpretations of laws and procedures with the government. At least six months before the presidential and parliamentary elections, opposition parties should obtain the right to campaign openly if the democratic transition is to be genuine and an independent national electoral commission should be created to supervise electoral procedures.

The international community should take the opportunity of the constitution-making process to discuss with the government what guarantees will be provided for political freedom and what limitations will be set on the political role of the security services. It should support financially and politically capacity building for the establishment of a permanent, independent election observation program. An election observation program is central to the credibility and legitimacy of national elections in 2003.

Rwanda is now at a crucial stage of its post genocide reconstruction and reconciliation process. Having been now in power for seven years, the RPF has the responsibility to be accountable to the people of Rwanda, and not simply to itself, its military leadership or its own ideology. Otherwise, it runs the risk of being seen as performing solely

¹²⁷ As in Kenya for instance.

for the financial resources of the international community, betraying the original aims and beliefs that motivated the sacrifices of its supporters, to stay in power. After seven years in office, and despite legitimate needs for safeguarding national security, the political trend evident in the 6 March elections demonstrates that the risk of such a

betrayal is real. A warning from the international community is warranted to prompt the RPF to deliver on its own political promises.

Nairobi/Brussels, 9 October 2001

APPENDIX A

MAP OF RWANDA



APPENDIX B

CHRONOLOGY

1990

1 October

-Beginning of the war launched by the RPF against the rule of Juvénal Habyarimana, in power since 1973.

1992

June

-Adoption of a new constitution legalising the multiparty system of government. Soon after the enactment of the new Law on political parties, the *Mouvement Démocratique Républicain* (MDR), *Parti Social-Démocrate* (PSD) and the *Parti Liberal* (PL) are launched.

July

-Beginning of the Arusha negotiations between the RPF and the government of Rwanda.

1993

January

-Massacres of Tutsi populations and opponents to the MRND regime in the prefectures of Gisenyi, Ruhengeri, Kibuye, Byumba and the Bugesera region of Kigali rural. The RPF retaliates by breaking the cease-fire and attacking Byumba and Ruhengeri prefectures. Close to one million Internally Displaced People (IDPs) surround Kigali.

October

-Signature of the Arusha agreement.

1994

April

-7: The plane transporting President Juvénal Habyarimana and President Cyprien Ntaryamira from Burundi is shot down over Kigali. Genocide against Rwanda's Tutsi population is unleashed by the Interahamwe militias and Forces Armées Rwandaises (FAR). Close to 800,000 people are killed in the following hundred days, including

thousands of Hutu opponents to the Habyarimana regime.

July

-The RPF takes over Kigali.

October

-A government of National unity including opposition party to the Habyarimana regime is formed in Kigali with the objective to implement the programmes of the 1993 Arusha agreement.

1995

August:

-Dismissal of MDR Prime Minister Faustin Twagiramungu, Minister for justice Alphonse-Marie Nkubito (independent) and RPF Minister for Interior Seth Sendashonga. Pierre Célestin Rwigyema (MDR) becomes Prime Minister and Alexis Kanyarengwe (RPF) Minister for Interior.

1996

April:

-A previously unknown organisation, “Peuple en Armes pour la libération du Rwanda” (PALIR) claims to be launching a war against the RPA from the prefecture of Cyangugu and puts a price on the heads of all US Citizens inside the country, in retaliation to their government military support to the RPF regime.

July:

-Human Rights Watch and the International Federation for Human Rights accuse the RPA of killings judicial and government local officials in addition to numerous civilians in their blind reprisal operations against Hutu militias still roaming the hills.

-Seth Sendashonga (former RPF Home Affairs Minister) and Faustin Twagiramungu (former MDR prime Minister) launch their own opposition movement, the “Forces de résistance pour la démocratie” (FDR).

-Beginning of the first Congo war.

September:

-Two Rwandan exiles, including Col. Théoneste Lizende, an ex-FAR who had defected to the RPA in 1994 but fled Rwanda in 1995, are assassinated in Nairobi. The Kenyan government closes the Rwandan embassy.

November 1996 to January 1997

-One million and two hundred thousand Rwandan refugees come back: approx. 700,000 from Zaire (now DRC), and 500,000 from Tanzania, Uganda and Burundi. In the weeks following their return, crimes against survivors and witnesses of the genocide by Hutu militias increase dramatically, followed by merciless reprisals on the population by the RPA.

-Froduald Karamira, former Vice-president of the MDR-power faction is sentenced to death by the Rwandan courts.

1997

January

-Beginning of the government's villagisation policy to improve rural communities security, the provision of basic services, and control over movements of population.

March

-Extensive reshuffle and final break with the distribution of positions set-up by the October 1993 Arusha Agreement. Col. Joseph Karemera is appointed Minister for Education, Patrick Mazimpaka leaves the Ministry for national rehabilitation to be appointed without portfolio in the office of the President and Alexis Kanyaregwe, RPF chairman leaves the Ministry for interior.

April

-The "Law on the Control of the Executive", reinforcing parliament's powers against the government is voted amidst protest of president Pasteur Bizimungu (RPF) and Transitional National Assembly speaker Juvénal Nkusi (PSD). The latter is voted out and replaced by Joseph Sebarenzi Kabuye (PL).

1998

February

-RPF national congress at Kicukiro. Major-general Paul Kagame is elected President of the RPF in place of former Minister for interior, Alexis Kanyaregwe. Rwanda president Pasteur Bizimungu becomes RPF Vice-President, replacing Minister Patrick Mazimpaka, and Prof. Charles Murigande, rector the Rwanda National University in Butare takes the seat of secretary general, previously held by Théogène Rudasingwa.

April

-Twenty-one men and one woman sentenced to death by Rwandan courts for crimes of genocide are executed in public on four sites throughout the country. Froduald Karamira is one of them, executed in Nyamirambo stadium, Kigali, site of some of the worst collective massacres during the genocide

-Beginning of the Hutu militias insurgency in the north-western provinces of Ruhengeri and Gisenyi.

May

-Beginning of the Saturday meetings at the Urugwiro village (Kigali) between members of the cabinet, the executive bureau of the TNA, the presidents of TNA commissions, leaders of National organisations (civil society, parties), prefects and other local wise men or clerics. The objective of these meetings, which are going to take place almost every Saturday until March 1999, is to achieve consensus within leaders of the country on key issues for future policies.

-UN secretary-general Koffi Anan on official visit to Kigali. The official dinner is boycotted by Rwanda's president, vice-president and Foreign Affairs Minister due to the UNSG refusal to apologise for the UN responsibility in the genocide.

-The UN Human Rights mission is suspended.

-Former Minister for Interior Seth Sendashonga is assassinated in Nairobi.

July:

-Prime-Minister Pierre Célestin Rwigyema (MDR) revokes MDR President Bonaventure Ubarijoro, who will be arrested six months later for his role in 1960's anti-tutsi pogroms, when he was director of the secret police under Grégoire Kayibanda. He will then be released a few months later. Rwigyema

becomes the new MDR president, MP Stanley Safari the Vice-president and Minister for Foreign Affairs Anastase Gasana, leader of the committee are charged with re-formulating MDR's ideology so as to promote national unity.

-Creation of the *Rassemblement des rwandais démocrates* (RRD), underground opposition political movement inside the country.

August

-Beginning of the second Congo war.

November/December

-General election of the people's representatives at the *nyumba kumi* (ten households) level.

1999

March

-Election of counsellors and population representatives at cell and sector level through the queuing-system of voting. 95% turn-out but voting was *de-facto* compulsory. The election is labelled "open and transparent by the UN".

-A new discipline committee of the TNA purges 10 MPs out of 70 appointed. The membership and terms of appointment of this committee are not revealed. Among these ten MPs are three MDR who had criticised heavily Pierre Célestin Rwigyema's move to unseat their party President, Bonaventure Ubarijoro, in July 1998. The three MDR MPs refuse to resign and are backed by TNA speaker Joseph Sebarenzi. The charges brought against the ten MPs range from "participation in the genocide" to "insufficient support for reconciliation".

April

-Augustin Misago, the Catholic bishop of Gikongoro is arrested and charged with genocide.

-Prime Minister Pierre Célestin Rwigyema apologises to the people of Rwanda on behalf of the MDR for the party's role in the genocide. He is nevertheless accused by fellow MDR leader Anastase Gasana to be insufficiently committed to the party reforms. Gasana calls for a thorough purge of the party leadership.

-Launch of the National Unity and Reconciliation Commission (NURC) destined to guide all Rwandans towards the eradication of ethnic hatred and ethnic discrimination.

May

-Six more MPs are removed from the TNA by its disciplinary committee on charges of absenteeism, incompetence and genocide. Speaker Joseph Sebarenzi Kabuye protests again against the lack of legal basis for the committee's actions.

-The Rwanda Human Rights Commission is created with a three year mandate. Its chair is Gasana Ndoba, a respected human rights activist.

June

-A committee including representatives of all the parties present in the TNA agree to extend the transition process by four additional years, up to 2003. The decision is ratified by the Cabinet a few days later.

October

-The TNA forces the resignation of three government ministers over corruption following the completion of a commission of inquiry in a government vehicle procurement deal in 1997.

-The Ministry for information is abolished and its function transferred to the Interior Ministry. The supervision of the media is attributed to the Rwandan Information Office (ORINFOR), which is also their direct competitor. Joseph Bideri replaces Lt-Col Wilson Rutayisire as the head of ORINFOR.

December

-Prime Minister Pierre Célestin Rwigyema (MDR) is absolved by the TNA of any serious wrong doing in the management of World Bank allocated funds for the Ministry for education despite the results of a commission of inquiry led by RPF MP Major Rose Kabuye.

2000

January

-Resignation and exile of TNA speaker Joseph Sebarenzi Kabuye (PL) after a vote calling for a debate on his alleged

incompetence and dictatorial tendencies led by a fellow PL party member. Sebarenzi is accused both of dictatorial tendencies, and complicity in a royalist plot to recruit members of the RPA for the return of King Kigeri V. He is replaced by Vincent Biruta (PSD) former Minister for Public Works.

-Announcement of the creation of a 3,500 strong national police force under the command of the Ministry of Interior, and disbandment of the *gendarmerie* which was under the Ministry for Defence.

February

-Arrest of a popular Rwandan singer Rutabana and three RPA soldiers in Burundi and Tanzania for complicity in the Sebarenzi plot. Dr Josue Kayijabo, Sebarenzi's brother and former vice-president of Ibuka, manages to leave the country under Belgian protection and after official American protest over his initial arrest. Anastase Murumba, executive secretary of Ibuka, leaves also the country.

-Resignation of Prime Minister Pierre Célestin Rwigyema (MDR) who had been under pressure for several months by MDR rival MP Stanley Safari over his alleged involvement in the genocide and by a parliamentary commission of inquiry over embezzlement of funds at the Ministry for Education. He flees Rwanda for the USA in June and is replaced by Célestin Kabanda at the head of the MDR in August. The position of Prime Minister is given to former Ambassador to Germany Bernard Makuza (MDR).

March

-Resignation of president Pasteur Bizimungu (RPF). Vice-President and Minister for Defence Paul Kagame becomes acting President. An extensive reshuffle follows in which Minister in the Office of the President Patrick Mazimpaka, among others, loses his portfolio.

-Assassination of president Bizimungu advisor and former prefect of Kibuye, Aciel Kabera

April

-The TNA and the Cabinet elect Paul Kagame President of Rwanda by 81 votes to 5, for RPF secretary general Prof. Charles

Murigande. Ex-FAR Col. Emmanuel Habyarimana becomes Minister for Defence.

June

-Bishop Augustin Misago is acquitted of all charges of genocide by a Rwanda court.

September

-Return to Rwanda of former Minister for Justice Faustin Nteziyayo who had fled the country in January 1999 after intense lobbying against him organised by genocide survivors. He is appointed vice-governor of Rwanda's Central Bank.

October

-National Summit of the National Unity and Reconciliation Commission.

December

-Administrative reorganisation of the country. Communes become districts and are reduced from 154 to 106, including the creation of 15 towns.

2001:

January

-Beginning of the work of the Legal and Constitutional Commission

-Former Rwanda King Jean-Baptiste Ndahindurwa Kigeli V expresses his wish to return to Rwanda and calls for a referendum on the re-establishment of the monarchy, one month after consultations with Laurent-Désiré Kabila in Kinshasa over the bilateral relations of both countries.

February

-An MDR faction led by former Foreign Affairs Minister Anastase Gasana claims to have taken over the leadership of the party from acting President Célestin Kabanda. Gasana appoints himself President and Jean de Dieu Ntiruhungwa Vice-President. Ntiruhungwa will be appointed Interior Minister a month later.

-Launch in Brussels of the Monarchist movement of Joseph Ndahimana "Nation-Imbaga y'Inyabutatu Nyarwanda".

March

-District elections are held throughout the country.

-Minister for Interior Théobald Rwaka Gakwaya (PDC) is sacked over his alleged promotion of illegal political activities in Cyangugu.

-A new political organisation, l' « Alliance Rwanda's pour la renaissance de la nation » (ARENA) led by Joseph Sebarenzi Kabuye is formed in the USA

April

-A former national political commissar in the Rwandan government, Maj. Alphonse Forum, flees to Uganda alleging political persecution

-Publication by State Prosecutor Gerard Gahima of the updated list of categories. 1 suspects of genocide. The new list includes the names of former Prime Minister Pierre Célestin Rwigyema and Gikongoro bishop Augustin Misago.

-President Kagame in a meeting with ICTR prosecutor Carla del Ponte, guarantees full co-operation of the Government of Rwanda

for the prosecution of RPA officers suspected of war crimes and crimes against humanity in 1994.

-Rwanda re-opens its embassy in France.

May

-Former President Pasteur Bizimungu is held briefly under house arrest as he prepares to launch his own political party. The party is interdicted and his privileges of former President are withdrawn. Bizimungu is subsequently accused by Parliament to be the leader of the insurgents and attacked by the survivors association IBUKA to have incited ethnic violence.

June/July

-Following renewed infiltrations of Hutu militias and combat in Ruhengeri and Gisenyi districts, the GoR announces that more than 1000 rebels have been killed and 1300 captured.

APPENDIX C

NATIONAL DECENTRALISATION POLICY OF THE GOVERNMENT OF RWANDA (SELECTED ABSTRACTS OF OFFICIAL DOCUMENTS)¹²⁸.

"The current political, economic and social situation of Rwanda is a direct consequence of the recent political and administrative history of the country the apex of which was the cataclysmic genocide of 1994 – a genocide planned and effectively executed by the communities and agents of the State.

The inappropriate, highly centralised dictatorial governance of the colonial as well as post independence administration of the country excluded the Rwandan population from participating in the determination of their political, economic and social well-being. (...)

From a political and administrative view, the Rwandan system is largely centralised and the following problems still persist:

- (i) Inadequate participation of the majority of the population in the making of decisions that concern their livelihood
- (ii) Inadequate financial resources and others in Inter, Akarere and lower levels. It is true that the Rwanda Government has limited revenue, but the little there is, remains concentrated at central government level.
- (iii) Management structures at local administrative levels that support lack of accountability and transparency.
- (iv) Accumulation of powers in one person, both at the central and local level, for example, at Akarere level, the persons are centralised in one person, the Burgomaster.
- (v) Passivity, lack of initiative and dependency syndrome on the part of the majority of the population, caused especially by overcentralization and exclusion from participation.

- (vi) Inadequate capacity (human, systems, structures, institutions, networks, attitudes, etc.) at both central and local levels.
- (vii) Officialdom which erodes further the people's say in the management of their affairs, the system being generally accountable to central government instead of being accountable to the people.
- (viii) Little presence of women and youth in the running of the political economic and administrative systems and affairs of Rwanda.

A political and administrative system where problems such as the above prevail cannot support economic and social development precisely because the concerned people's energies are not adequately mobilised to initiate, plan and implement development action based on locally identified needs. (...)

Decentralisation will provide a structural arrangement for government and the people of Rwanda to fight poverty at close range and to enhance their reconciliation via the empowerment of local populations. There has already been elections at the Akagari and Umurenge levels in 1999 as part of the democratisation process.

The District council organises its work through three commissions: economic and technical affairs; political administrative and legal affairs; welfare and cultural affairs. Moreover, in order to prepare district development plans, the district executive committee has to establish a Community and Development Committee (CDC) composed of its secretary in charge of finances and economic development, acting as chairperson, a women representative, a youth representative, and the secretaries in charge of development at sector

¹²⁸ Republic of Rwanda, Ministry of Local government and Social Affairs, "National Decentralisation Policy", Imprimerie nouvelle du Rwanda, May 2000.

level. Finally, a district executive secretary appointed by the Central government heads the districts administration and manages their technical units, being the secretary to both the executive committees and the council.

At provincial level, the *Umuyobozi* (provincial commissioner) heads the deconcentrated units of central government and guarantees the cohesion of administrative management through a co-ordination committee including heads of departments and the district mayors. He/she is supported among others by a provincial executive secretary who is the direct authority of all civil servants and among them, the district executive secretaries".

The new administrative and political framework set up by the decentralisation policy intends to break with the old regime and with the colonial legacy both in form and substance. It establishes levels of collective consultation for decision-making right from the bottom level of the State pyramid, while the pyramid itself is substantially reviewed with name and administrative boundary changes. Proper Rwandan names are given to the new administrative units, while the older ones, which were of colonial origin and simply adapted to the Kinyarwanda phonetics, are abandoned¹²⁹.

Level	Former name	New name
1.	Nyumba Kumi / Ten house unit	Nyumba Kumi / Ten-house-unit
2.	Serire /cell	Akagari / cell
3.	Segiteri / sector	Umurenge / sector
4.	Komine / commune	Akarere / district
5.	Prefegitire / prefecture	Intara / province

Both lower administrative levels, cells and sectors, have a council which is supposed to elect and

supervise an executive committee made of ten representatives (one mayor and nine secretaries: executive secretary; economic development; security; education, culture and community mobilisation; health and social affairs; youth affairs; gender and women development; finance; information).

The first council, at cell level, is supposed to be constituted of all citizens resident aged 18 and above. At sector level, the council is composed of the executive committees' chairs of the cell level, two women representatives, two youth representatives and two persons of integrity. They are supposed to work with the technical support of its two sub-committees, the Political and Administrative Committee (PAC) and the Community Development Committee (CDC). At district level, the council is composed of one representative of each sector, elected through direct universal suffrage, and one third of the women and youth representatives elected at sector level through universal suffrage. Executive committee members at sector level have to relinquish their positions if they are elected counsellors at district level. The districts' mayors - successors of the Communes *Bourgmestres* - and four other secretaries (finance and economic development; social services; gender and women's development; youth, culture and sports) are elected from among the elected counsellors over their inaugural meetings, by an electoral college composed of: 1. The directly elected counsellors themselves; 2. The executive committee members of the sectors; 3. The chairs of the cells' executive committees¹³⁰.

Finally, in order to control efficiently the growth of urban centres and maximise the administration capacity to deliver services to the population, the decentralisation policy sets up urban local government by creating towns and a City of provincial status, Kigali, which is itself divided into districts, sectors and cells. The towns benefit from the same local government mechanisms as the rural districts. The actual implementation of the administrative reform took place in December 2000, as the 154 former communes were transformed into one hundred and six new units: 91 districts and fifteen towns.

¹²⁹ In its effort to cut any symbolic link with the previous regime, the RPF has renamed most districts. These names had been given in the early seventies at the time of the administrative reform implementing the social revolution policies. The wish of the RPF was to reverse to older names of socio-cultural administrative units, which were used and institutionalised by the monarchy and throughout the colonisation. ICG Interview, Tito Ruteremara, Kigali, 25/01/01.

¹³⁰ Cf. Summarising table and explanatory example in Annexe.

Explanatory diagram summarising the local government electoral system.

March 2001 Electoral diagram for a district including 12 sectors and 60 cells

1. Sector level

Election through universal suffrage of three persons:

- 1 representative of the general population
- 1 women representative
- 1 youth representative

2. District level (12 sectors)

- 12 representatives of the general population
- 12 women representatives
- 12 youth representatives

a) District council = 20 people

- 12 representative of the general population
- 1/3 of women representatives = 4
- 1/3 of youth representatives = 4
- Total = $12 + 4 + 4 = 20$

b) Election of the district mayor and other executives among the 20 members of the District council

- Electoral college = 200 people
- 20 members of the district council
- $12 \times 10 = 120$ sector executive committee members
- 60 cell heads

Total = $20 + 120 + 60 = 200$

Source: National Electoral Commission, January 2001.

APPENDIX D

1999 AND 2001 ELECTORAL STATISTICS

Table 1: Summary of the March 1999 results per prefecture.

Prefecture	Number of sectors	Number of cells	Registered voters	Turn-out (%)	Percentage of re-elected incumbents	Percentage of teachers among elected counsellors	Percentage of farmers among elected counsellors
01. Gitarama	171	1097	386995	75.9	73.5	4.1	93.4
02. Kibuye	101	638	154786	91.0	22.6	7.6	85.3
03. Kibungo	119	690	250267	90.6	60.6	2.7	95.3
04. Gikongoro	126	861	187436	87.3	10.3	3.9	88.8
05. Umutara	74	425	128301	88.5	97.6	4.1	91.4
06. Gisenyi	135	865	296728	89.4	54.2	0.2	94.8
07. Cyangugu	115	691	215041	87.6	63.1	5.8	84.7
08. Ruhengeri	177	945	328400	90.6	59.7	3.8	94.1
09. Butare	205	646	268646	93.8	55.1	5.9	81.3
10. Byumba	140	800	284566	84.4	61.0	5.1	84.7
11. P.V.K.	20	91	528849	90.0	54.0	8.0	15.0
12. Kigali-Ngali	160	1363	372317	87.0	60.0	3.0	84.0

Source: Republic of Rwanda, national electoral commission statistics, March 1999 elections.

Table 2: Summary of the March 2001 district election results per provinces.

Provinces	Number of districts	Number of sectors	Number of General candidates	Number of youth candidates	Number of Women candidates	Total number of candidates	Incumbent burg. maintained	Turn-out (%)
01. Gitarama	10	166	306	286	251	843	9	96.76
02. Kibuye	6	102	233	202	167	602	5	96.82
03. Kibungo	10	120	266	214	214	694	6	96.53
04. Gikongoro	7	125	244	220	197	661	6	99.03
05. Umutara	8	80	160	121	97	378	8	94.68
06. Gisenyi	10	135	266	228	183	677	9	96.25
07. Cyangugu	7	115	218	157	123	498	6	96.75
08. Ruhengeri	11	177	420	395	359	1174	11	97.57
09. Butare	10	211	386	328	293	1007	9	96.52
10. Byumba	9	137	279	227	188	694	8	96.38
11. P.V.K.	8	43	162	97	97	378	2	90.08
12. Kigali-Ngali	10	139	252	187	167	606	7	94.94
Total	106	1550	3192	2662	2321	8175	86	96.06

Source : Republic of Rwanda, National Electoral Commission, Elections results, May 2001.

APPENDIX E

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is a private, multinational organisation committed to strengthening the capacity of the international community to anticipate, understand and act to prevent and contain conflict.

ICG's approach is grounded in field research. Teams of political analysts, based on the ground in countries at risk of conflict, gather information from a wide range of sources, assess local conditions and produce regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports are distributed widely to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's internet site, www.crisisweb.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analysis and to generate support for its policy prescriptions. The ICG Board - which includes prominent figures from the fields of politics, diplomacy, business and the media - is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; former Australian Foreign Minister Gareth Evans has been President and Chief Executive since January 2000.

ICG's international headquarters are at Brussels, with advocacy offices in Washington DC, New York and Paris. The organisation currently operates field projects in eighteen crisis-affected countries and regions across three continents: Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia in Europe; Algeria, Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone and Zimbabwe in Africa; and Burma/Myanmar, Cambodia, Indonesia, Kyrgyzstan, Tajikistan, and Uzbekistan in Asia.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Canada, Denmark, Finland, France, Germany, Ireland, Japan, Luxembourg, the Netherlands, Norway, the Republic of China (Taiwan), Sweden, Switzerland and the United Kingdom. Foundation and private sector donors include the Ansary Foundation, the William and Flora Hewlett Foundation, the Charles Stewart Mott Foundation, the Open Society Institute, the Ploughshares Fund, the Sasakawa Foundation, the Smith Richardson Foundation, the Ford Foundation and the U.S. Institute of Peace.

July 2001

APPENDIX F

ICG REPORTS AND BRIEFING PAPERS

AFRICA

ALGERIA

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